

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

JASON KESSLER )  
                  )  
Plaintiff,      )  
                  )  
v.                ) Case No. 3:18cv00015-NKM-JCH  
                  )  
CITY OF CHARLOTTESVILLE     )  
MAURICE JONES      )  
Charlottesville City Manager    )  
In his individual and official capacities    )  
                  )  
Defendants.        )

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**DECLARATION OF LINDA ODOM IN SUPPORT OF DEFENDANTS' OPPOSITION  
TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I, Linda Odom, declare under penalty of perjury as follows:

1. I am an attorney with the law firm K&L Gates LLP, counsel to Defendants in this action the City of Charlottesville and Maurice Jones, and I am admitted to the bar of this Court. I make this declaration to provide the items from discovery in this case that are cited in Defendants' Opposition to Plaintiff's Motion for a Preliminary Injunction.

2. Attached to this Declaration are true and correct copies of the following documents:

a. Exhibit A consists of pages from the deposition transcript of Maurice Jones, conducted on June 15, 2018.

b. Exhibit B consists of pages from the deposition transcript of Brian Lambert, conducted on June 25, 2018.

c. Exhibit C consists of pages from the deposition transcript of Jason Kessler and exhibits from that deposition. The deposition was conducted on June 27, 2018.

d. Exhibit D consists of pages from the deposition transcript of Marcus Boechat. The deposition was conducted on June 29, 2018.

e. Exhibit E is a screenshot of a conversation between Jason Kessler and Tom Kawczynski that took place on Gab.ai. The document was provided by Mr. Kessler in discovery on June 29, 2018.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746, this 6th of July, 2018, that the foregoing is true and correct.

/s/ Linda Odom

# **EXHIBIT A**

1 VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF  
2 CHARLOTTESVILLE

3

4 JASON KESSLER,

5 Plaintiff,

6 v.

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8 CITY OF CHARLOTTESVILLE,

9 Defendant.

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DEPOSITION OF

16

MAURICE JONES

17

Taken on

18

June 15, 2018

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1 reason---well, let me not put words in your mouth, why did  
2 you deny Mr. Kessler the petition?

3 A Oh, I denied Mr. Kessler's petition because of  
4 concerns over public safety for that day.

5 Q So it is the City's position that Mr. Kessler  
6 is at fault for the violence last year?

7 A No, I think he created a situation that con-  
8 tributed to that violence, and especially in the fact that  
9 he did not cooperate with us in terms of security plans for  
10 that day.

11 Q What security plans did the City wish to deploy  
12 to that Mr. Kessler impeded?

13 A There were discussions, repeated discussions  
14 between our officers and representatives who were working  
15 with Mr. Kessler on security where they had an agreement  
16 about how speakers were going to come into the park that  
17 day. And they were prepared to address that, and then  
18 plans changed without our notice.

19 Q Okay. What was the City's understanding of how  
20 the speakers were supposed to come into the park?

21 A If memory serves, they were supposed to come in  
22 towards the back end of the park, and not along Market  
23 Street.

24 Q Had the City issued instructions to Mr. Kessler  
25 stating that?

1 Q Thank you.

2 A Mr. Kessler, as I said before, had encouraged  
3 violence to occur in our community, despite his public pro-  
4 test otherwise. And he had not cooperated with our police  
5 department on the security plan.

6 Q Wasn't his first permit for the first Unite the  
7 Right also denied?

8 A Ultimately.

9 Q Didn't he have to go to court and get a federal  
10 judge to order the City to allow him to have this Unite the  
11 Right rally?

12 A He did go to court to have it in downtown Char-  
13 lottesville. We'd granted him a permit to have the rally  
14 in McIntire Park.

15 Q How close is McIntire Park to---what are you  
16 calling that park now?

17 A Emancipation Park.

18 Q How close is McIntire Park to Emancipation  
19 Park?

20 A Less than five or six minutes away.

21 Q By car?

22 A By car.

23 Q Mr. Kessler's stated reason for his permit was  
24 to defend the Robert Lee statute, isn't that right?

25 A That's correct.

1           Q Well, why did you deny him a permit for Robert-  
2 --for what used to be Lee Park?

3           A We had serious concerns about safety in that  
4 park.

5           Q But no violence had occurred at that time?

6           A No, but we were concerned based on the intelli-  
7 gence that we were gathering that, one, the numbers were  
8 going to be a lot larger than Mr. Kessler had applied for  
9 and even attested to in the days leading up to August 11<sup>th</sup>,  
10 and we were concerned about the level of violence that was  
11 going to take place there. So that's why we attempted to  
12 have it moved to McIntire Park.

13          Q Now we just had a little bit of a discussion,  
14 so long, in fact, that's it's concerning your lawyer about  
15 Mr. Kessler's, the violence that occurred at Unite the  
16 Right.

17          A Uh-huh (indicating yes).

18          Q Now you're saying before any violence occurred,  
19 you're still denying Mr. Kessler because of intelligence  
20 and potential violence?

21          MR. LONGSTRETH: I'll object to the form of the  
22 question to the extent it attempts to characterize his tes-  
23 timony.

24          Q You denied Mr. Kessler's first permit. Did you  
25 sign that one, as well?

1 that the counter protestors were the ones starting the vio-  
2 lence?

3 MR. LONGSTRETH: I'll object. I'll object on  
4 foundation.

5 Q Assume what I'm telling you is true. A Char-  
6 lottesville police officer took the stand at Commonwealth v.  
7 Ramos, and even when given an opportunity to change his  
8 testimony by the Commonwealth's Attorney, he said that it  
9 was the counter protestors who initiated violence, threw  
10 rocks, bottles and various other things. But before that  
11 it had been no violence, a lot of shouting, if you count  
12 that, but are you aware of that?

13 A I was not aware of that testimony.

14 Q If what I've told you is true, does that alter  
15 your opinion about who was responsible for violence that  
16 day?

17 A No.

18 Q Why not?

19 A Because, as I've said before, we had evidence  
20 before us that Mr. Kessler had incited violence on that day,  
21 had broken from the security, that is what informed---  
22 broken from the security plan that he and his supporters  
23 had, that's what informed my decision.

24 Q Did none of your intelligence advise you that  
25 counter protestors were known to commit violent acts at po-

1           Q All right, you denied a permit request, and  
2 your denial is dated December 11<sup>th</sup>, 2017?

3           A That's correct.

4           Q And you have testified that the comprehensive  
5 list of reasons why you are denying Mr. Kessler is con-  
6 tained in this document, is that right?

7           A Yes.

8           Q Let's examine the document then?

9           A Sure.

10          Q Number one, the proposed demonstration or spe-  
11 cial event will present the danger to public safety and  
12 cannot be accommodated within the area applied for or with-  
13 in a reasonable allocation of city funds and/or police re-  
14 sources. The application proposes a demonstration or spe-  
15 cial event to take place on the anniversary of the violence  
16 on August 11<sup>th</sup> and August 12<sup>th</sup>, 2017, this application, or  
17 the application likely underestimates the number of partic-  
18 ipants. Let's stop there. Do you have intelligence about  
19 this year indicating enhanced participants?

20          A Do we have it now?

21          Q Yes.

22          A No, because there's not a permit. We don't  
23 have any indication of how many people would be there right  
24 now. This was based on the previous, the previous applica-  
25 tion where Mr. Kessler had said that only four hundred

1           Q All right. Something inflammatory?

2           A Sure, that's what the language usually is.

3           Q Racially inflammatory? Do you have an answer  
4 to racially inflammatory or no?

5           A No, I couldn't give you an exact answer to  
6 that. I just, I don't recall off the top of my head.

7           Q All right. But generally, can we agree that  
8 certain segments of the Charlottesville community are of-  
9 fended by Mr. Kessler's opposition to---well, Mr. Kessler's  
10 political opinions regarding diversity, in other words,  
11 race?

12          A Yes, there are people in the community who  
13 have objections to his opinions.

14          Q People within the City government share that  
15 opinion?

16          A I would imagine that there are people in the  
17 City government who do.

18          Q How about the City council?

19          A You'd have to talk to them, but I would imag-  
20 ine that some of them do oppose his opinions.

21          Q Has the council given you any guidance as to  
22 how to handle Mr. Kessler's occasional request for politi-  
23 cal permits?

24          A No, not since last year.

1           Q They gave you guidance before the first Unite  
2 the Right rally?

3           A They did.

4           Q But since then, nothing?

5           A Aside from wanting to know where I stood on  
6 the issue, and at what point we were going to provide a re-  
7 sponse to Mr. Kessler, no.

8           Q Okay. Move onto number two.

9           MR. LONGSTRETH: Actually, I'm just going to say  
10 we've going, I think, almost an hour here. I just want to,  
11 I'm just wondering if this is a good time for a break. I  
12 don't know if there (unintelligible) time, can we do that?

13           Q Sure.

14           MR. LONGSTRETH: What do you want to say, ten  
15 minutes?

16           Q Yeah.

17

18           (OFF THE RECORD)

19

20           Q Okay. Mr. Jones

21           A Yes, sir.

22           Q Looking at the permit denial, item two. The  
23 application proposes activities contrary to the limitations,  
24 conditions specified within these regulations. To wit:  
25 The City regulations do not allow use of Emancipation Park

1 before 1:00 p.m. on any Sunday. When---when an applicant  
2 makes a mistake like that, does the City always deny the  
3 permit, or don't you give them a chance to fix it?

4           A There have been occasions in which they---  
5 we've---we've done that, I believe, but you'd have to talk  
6 to Ms. Christian about that.

7           Q Okay. Wouldn't it be reasonable to just al-  
8 low---I mean---let's---let's pretend that number two is the  
9 only objection right now? If it was the only objection,  
10 wouldn't it be reasonable to, I guess, amend his---his per-  
11 mit and say you can't be there before 1:00 p.m. on Sunday?

12          A He---he could have done that. He certainly  
13 could have amended the---the application. I don't believe  
14 he did, though.

15          Q Okay. But, I mean, the City doesn't call and  
16 say we're going to give you the permit, but you can't be  
17 there before 1:00?

18          A There---there certainly can be dis---some dis-  
19 cussions that take place there.

20          Q All right. So number two really isn't espe-  
21 cially substantial, in your mind?

22          A But it was one of the reasons it was denied.

23          Q You would admit this is a technical reason,  
24 though?

25          A Yes, it is a technical reason.

1           Q All right. So, I mean, it's easy enough to  
2 amend the petition, or to just say grant the permit, but  
3 not before one o'clock?

4           A Sure.

5           Q Okay. Moving on.

6           MR. KESSLER: Jim, I sent him an email saying  
7 that I would like to resubmit the application.

8           Q But he said you didn't actually resubmit.

9           MR. KESSLER: Yeah, what he said.

10          Q Three, there is no---there is no person or en-  
11 tity authorized to sign the application on behalf of a  
12 group applying for a permit, and there is no person or le-  
13 gal entity willing to accept responsibility for the group's  
14 adherence to the limitations set forth within the City's  
15 special events regulations. To wit: The application is  
16 filed and executed by a single individual, but the individ-  
17 ual who signed the application has included no information  
18 documenting how he will exercise responsibility for behav-  
19 ior of the participants, so forth and so on.

20          A Uh-huh.

21          Q Is that drawing from City regulations?

22          A Yes.

23          Q Why does---the City actually has a regulation  
24 that requires an individual to state how he will supervise  
25 the attendees of the event?

1 A I couldn't tell you off the top of my head.

2 Q When did you start gathering intelligence last  
3 year?

4 A They were---the police were gathering intelli-  
5 gence in, I would imagine, I think it was the April/May, in  
6 that---that time frame, through the rally.

7 Q Isn't it true that in 2017 there were several,  
8 what you might call alt-right political rallies in Char-  
9 lottesville?

10 A There were different rallies in Char-  
11 lottesville that summer, that's correct.

12 Q Wasn't there an actual Ku Klux Klan rally in  
13 Charlottesville?

14 A There was.

15 Q Was it permitted?

16 A It was.

17 Q You gave the Ku Klux Klan a permit?

18 A We did.

19 Q Do they not engage in violent rhetoric?

20 A We did not anticipate that there was going to  
21 be violence on that day, in the way that we saw on August  
22 12<sup>th</sup>.

23 Q Well the Klan---

24 A The number---

25 Q ---was---

1           Q ---is what your testimony is? Okay. Whether  
2 that's 10:00 or 12:00, or some other time.

3           A Somewhere in there.

4           Q We're not---we're not stuck with that. All  
5 right. All right. And you were in the command center when  
6 the unlawful assembly was called?

7           A Yes.

8           Q But you don't know any more about specifically  
9 who or why it was called?

10          A No, I think I---I said that Chief Thomas had--  
11 -had called--

12          Q Okay.

13          A ---unlawful assembly.

14          Q All right. And the why was the melee at the  
15 end?

16          A Yes, exactly.

17          MR. LONGSTRETH: We're going over things again.  
18 We've gone over before, I---I---I understand you've said  
19 you're not going to take all day, but a lot of this is  
20 asked and answered.

21          Q All right. There were---where was the general  
22 entrance to this event supposed to be?

23          A Near the front of the park.

24          Q Would that be Market Street?

25          A Yes.

1           A    Sure.

2           Q    What did you understand by that, it's a admon-  
3         ition?

4           A    No, it was a personal opinion.

5           Q    All right. That wasn't some sort of instruc-  
6         tion---

7           A    No.

8           Q    ---or attempted instruction?

9           A    No.

10          Q    What kind of authority does council have here  
11         in Charlottesville?

12          A    City council, as a majority, has authority  
13         over policy issues. That's generally what they do.

14          Q    Other than not renewing your contract, or ter-  
15         minating your services, can they order you to do this or  
16         that thing?

17          A    No.

18          Q    You have discretion?

19          A    If you're talking about in this situation, I  
20         have discretion to make the decision over the permit.

21          Q    Okay. You're the---you're where the buck  
22         stops?

23          A    That's correct.

24

25

1           Q Okay. So, at the time you were concerned that  
2 these same actual individual groups were going to appear in  
3 Charlottesville again?

4           A Maybe some of those groups, or maybe others.

5           Q Other groups that hadn't been here in August  
6 2017?

7           A Certainly a possibility.

8           Q But their message would be the same?

9           A Their message wasn't what concerned me, it was  
10 the violence that concerned me, and the public safety is-  
11 sues associated with that violence.

12           Q Are you not concerned at all about the counter  
13 protester violence?

14           A I would be concerned about any violence in our  
15 community.

16           Q Would you agree that Mr. Kessler and his po-  
17 litical message tend to attract counter protester violence?

18           A I wouldn't say violence, but certainly counter  
19 protesters.

20           Q Are you aware of a rally by one of the groups,  
21 National Socialist Movement, who was here in Char-  
22 lottesville in August 2017, that recently appeared in  
23 Newnan, Georgia?

24           A I've heard of it, yeah. I don't know details  
25 about it.

1                   MR. LONGSTRETH: In other words, objection. In  
2 other words, objection. In other words, objection, argu-  
3 mentative.

4                   Q I've got to get myself (inaudible)---

5                   MR. LONGSTRETH: And foundation.

6                   Q ---at some point so I can (inaudible). Okay,  
7 withdrawn---

8                   MR. LONGSTRETH: Yeah.

9                   Q ---that last question is withdrawn.

10                  MR. LONGSTRETH: Yeah, I mean, you're free to put  
11 in whatever evidence you want with your PI.

12                  Q Does the expected hostility to Mr. Kessler's  
13 message play any part in your decision to grant or deny Mr.  
14 Kessler a permit?

15                  A No.

16                  Q During the August 2017 rally, did the City  
17 have any knowledge that counter demonstrators were pointing  
18 guns at vehicles?

19                  A That's the first I've heard of pointing guns  
20 at vehicles. But, I know that there---there was violence  
21 on that day, but I had not heard specifically that there's  
22 guns---that there were guns pointed at vehicles, can you be  
23 more specific?

24                  Q There's a professor named Dixon from outside  
25 of Charlottesville, I'm not sure what college he's from.

1 A I don't know---I'm sorry.

2 Q The intelligence that was gathered---

3 A Yes.

4 Q ---did any of it come from Charlottesville Po-  
5 lice itself?

6 A Yes. Yes.

7 Q And any other area police departments?

8 A Not that I know of, but there could have been.  
9 I'm just not sure.

10 Q All right. Did the City reject any of the ad-  
11 vice it got from its own police department?

12 A You mean the City government rejected advice  
13 from the police, you have to be more specific.

14 Q I'm sorry, City council. Did City councilors  
15 reject any advice they got from the Charlottesville Police  
16 Department regarding the August 2017 planning?

17 A That's pretty vague.

18 Q Did the police advise the City to allow the  
19 August 2017 rally to occur in Emancipation Park rather than  
20 a different location?

21 A Yeah, I---I wouldn't say that they advised  
22 against it. The Chief of Police and I expressed concerns  
23 about changing the venue that late in the process, because  
24 we had focused exclusively on downtown. But, the City

1 council didn't make that decision to move to McIntire Park,  
2 I made that decision.

3 Q Why is moving to McIntire Park helpful?

4 A So, one, with downtown, it's a much more con-  
5 fined area than McIntire Park would have been. We had two  
6 softball fields that we were going to utilize with the---  
7 with kind of a natural barrier in between. You had fencing,  
8 plus an area in between where we could have put police of-  
9 ficers. They had worked out parking to try to segregate  
10 people in a way that we couldn't in terms of downtown with  
11 parking garages. People were going to be able to park in a  
12 garage or park on the street. And this was an easier way  
13 to try to segregate people.

14 Q How far is McIntire Park from Emancipation  
15 Park?

16 A (Unintelligible).

17 MR. LONGSTRETH: Objection, asked and answered.

18 Q (Unintelligible) you answered earlier?

19 A I did.

20 Q All right.

21 MR. LONGSTRETH: I mean---I'm sorry, he can an-  
22 swer.

23 Q (Inaudible).

24 MR. LONGSTRETH: I'm not directing him not to an-  
25 swer---

1 tive steps, and be a part of the process of---of improving  
2 race relations in our community.

3 Q Just to be clear, no particular race is ex-  
4 cluded from exercising their civil rights in Char-  
5 lottesville, are they?

6 A No, sir.

7 Q They are openly encouraged to do so, in fact,  
8 are they not?

9 A We encourage First Amendment activities within  
10 our community, absolutely.

11 Q Are persons permitted to defend themselves in  
12 said City of Charlottesville?

13 A I guess in terms of the---in terms of the law,  
14 yes, they are.

15 MR. LONGSTRETH: I---yeah---I guess I'll object  
16 to the question, it's calling for a legal conclusion.

17 A Right.

18 MR. LONGSTRETH: But, you know, I think that's  
19 inherent in his answer.

20 Q There's no laws in Charlottesville restricting  
21 whatever Virginia's rules are regarding self-defense, are  
22 there?

23 MR. LONGSTRETH: Objection, to the extent it  
24 calls for a legal conclusion.

25 A Yeah. I'm not an attorney.

1           Q Okay. To your knowledge, the City has not ev-  
2 er attempted to preclude somebody from defending themselves  
3 within the legal rules of the Commonwealth of Virginia?

4           MR. LONGSTRETH: Objection, foundation.

5           Q Can he answer?

6           A Not---not to my knowledge.

7           Q The City certainly is not attempting to do  
8 that through its litigation in state court against Mr.  
9 Kessler and others, is it?

10          A No.

11          Q Or through its permit denial to Mr. Kessler?

12          A No.

13          Q Did any City councilors request that you deny  
14 Mr. Kessler a permit prior to the August 2017 rally?

15          A I'm trying---just trying to remember, I don't,  
16 I mean, to use that specific language to deny the permit.  
17 I think there were---there were councilors who were con-  
18 cerned about it. And we had discussions over the---the---  
19 the content, and they were concerned about that. But my  
20 response was we protect the First Amendment, and I've spo-  
21 ken to council about that both privately and publicly on  
22 numerous occasions.

23          Q Would your answer be the same as to the re-  
24 quest for a permit for August 2018?

25

1           A I did not have any specific discussions with  
2 the council about the---in which they said you have to deny  
3 the permit.

4           Q So there's been no political pressure, whatso-  
5 ever, regarding Mr. Kessler and his permit?

6           A Oh, that's not---that---yeah, that's not the  
7 same thing. You're asking---there's been ton of political  
8 pressure in our community concerning these---these permits.  
9 There were certainly in advance of last year, and there's  
10 certainly after Mr. Kessler submitted the---the permit ap-  
11 plication as well. But that had no bearing on me approving  
12 the permits last year, and denying the permit this year,  
13 it's all based on public safety and what we thought we  
14 could handle.

15           Q All right. I think this will be the last  
16 question. Why did you not suggest to Mr. Kessler that he  
17 hold his rally at McIntire Park this year?

18           A He didn't ask to hold it at McIntire Park this  
19 year.

20           MR. KESSLER: I didn't ask last year.

21           Q All right. Mr. Jones, thanks for coming.

22           A Thank you, sir.

23           MR. LONGSTRETH: Appreciate it. Safe travels  
24 home.

25           Q Thank you.

And further this deponent saith not.

Maurice Jones

Maurice Jones

# **EXHIBIT B**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF VIRGINIA  
3 Charlottesville Division

5 | JASON KESSLER

6 Plaintiff,

- vs -

Case No.  
3:18CV00015

CITY OF CHARLOTTESVILLE

and

MAURICE JONES,  
Charlottesville City Manager,  
In his individual and official  
capacities,

13 | Defendants.

DEPOSITION OF BRIAN ROLAND LAMBERT

9:30 a.m. to 1:40 p.m.

June 25, 2018

## Charlottesville, Virginia

24 Job No.: 37200

REPORTED BY: Kimberly A. Adderley, RPR, RMR

1 Q. Has there ever been?

2 A. Not that I'm aware of. I never heard  
3 of the Proud Boys prior to a year ago.

4 Q. Have you ever heard of the Proud Boys  
5 beating someone in?

6 A. Yes.

7 Q. What does that mean?

8 A. Basically it's an initiation kind of  
9 thing where they -- you have to name off, I think,  
10 five breakfast cereals while they hit you, and  
11 then once you name the five breakfast cereals,  
12 they stop hitting you. It's silly. It's a joke.

13 Q. To your knowledge is Jason Kessler a  
14 Proud Boy?

15 A. He got initiated.

16 Q. Do you know about when that was?

17 A. It was about a year ago.

18 Q. Was it before or after August 12?

19 A. Before.

20 Q. Is he still a Proud Boy?

21 A. They disavowed him almost immediately  
22 after that.

23 Q. Do you know why exactly they disavowed  
24 him?

25 A. Because he's an asshole.

1 Q. And "we" meaning Unity and Security for  
2 America?

3 A. Yes.

4 Q. And how many of you were there?

5 A. Half a dozen maybe.

6 Q. Okay. And do you remember who exactly  
7 was there?

8 A. No.

9 Q. But it was you and Jason and four  
10 others?

11 A. Yes. Possibly more.

12 Q. And were you outside because you were  
13 not able to get tickets?

14 A. No. Basically any event that I  
15 attended with Jason, I was there to provide  
16 security.

17 Q. Okay. All right. So, let's do some  
18 other events that Jason had and, again, I don't  
19 want to put words in your mouth, but it's a fairly  
20 well-known phenomenon now about bloggers and  
21 others trying to get on social media. What I'm  
22 asking is do you think it would be fair to say  
23 that that's a partial motivation of Mr. Kessler's,  
24 to do things that can get him on social media?

25 A. Yes.

1 Q. And do you have an example of that?

2 A. He's all over the place.

3 Q. Do you think he ever stages things to  
4 get on social media?

5 A. Yes.

6 Q. Have you ever heard about him  
7 announcing in advance where he is going to be,  
8 hoping that some of his opposition will show up?

9 A. Yes.

10 Q. Can you give some examples of that?

11 A. We had planned a dinner downtown, this  
12 was about a year ago now, we went to Miller's on  
13 the Downtown Mall, it's an outdoor seating area,  
14 there was about a dozen of us, Kessler included,  
15 and within 20 or 30 minutes of being there, we  
16 find ourselves surrounded by his, quote/unquote,  
17 opposition screaming at us, yelling obscenities,  
18 and it went on for hours.

19 Q. And how did they know you were there?

20 A. It started with one person with a  
21 camera and literally turned into a flash mob.

22 Q. And the person that had the camera is  
23 one of the opposition?

24 A. A SURJ member, yes. First there was 1  
25 and then there were 5 and then there were 10 and

1 and this press conference reflected in the  
2 pictures, did you provide him security at any  
3 other time?

4 A. Probably one of the last dealings I had  
5 with him, because, I mean, it's gotten to the  
6 point where I don't want anything to do with him.  
7 I don't agree with a lot of things that he says,  
8 but I -- my attitude has been that even if I don't  
9 agree with it, I will still defend his right to  
10 say it. But, his other actions and callousness  
11 have led me to just completely break off all ties  
12 with him.

13 Q. What was he callous about?

14 A. Everything.

15 Q. Was he callous about Heather Heyer's  
16 death?

17 A. Yeah.

18 Q. Was he callous about the harm to  
19 people, the physical harm to people that attended  
20 his event?

21 A. He had no regard for that.

22 Q. Pardon me?

23 A. He has no regard for that.

24 Q. So, no regret that that happened?

25 A. No.

1 well how it was going to turn out.

2 Q. That who knew?

3 A. The City. The City created -- the City  
4 created this whole thing. They shut down that  
5 rally and they forced those people into a hostile  
6 crowd. If they would have just left it alone and  
7 let them stay in their park, do their little  
8 thing, have their little rally, they would have  
9 come and gone. But they created this.

10 Q. By shutting down the rally?

11 A. By shutting down the rally and forcing  
12 people out of the park into Antifa and Black Lives  
13 Matter waiting on the street, yes.

14 Q. And were you there when that happened?

15 A. No. I was up the street. I was on my  
16 way there.

17 Q. What else made you feel like there was  
18 a good chance that violence was going to happen?  
19 Can you be more specific about what you saw on  
20 Facebook?

21 A. What happened at Berkeley. Other  
22 protests and rallies across the country. You  
23 know, just the current climate. It made it pretty  
24 obvious to me that there was going to be trouble.

25 Q. Did you see anything to suggest that

1       Mr. Kessler knew that Charlottesville would be  
2       like a Berkeley?

3           A.     He talked about it a lot.

4           Q.     Talked about Berkeley and the violence  
5       there a lot?

6           A.     Yeah. In his videos.

7           Q.     Did you ever witness on Facebook or in  
8       any other way Mr. Kessler trying to minimize any  
9       chance of violence?

10          A.     I think at one point he said something  
11       about not being armed.

12          Q.     Was that on Facebook?

13          A.     Yes.

14          Q.     Did you ever see him talk about  
15       bringing signs and shields and helmets?

16          A.     No. I do remember him -- vaguely I  
17       remember something about not bringing swastikas or  
18       anything, you know, that could be construed as  
19       hate speech.

20          Q.     So, you don't think Jason is the one  
21       that invited the Nazis that you saw in McIntire  
22       Park?

23          A.     I think that just was a result of the  
24       snowball effect, you know. I can't say that he  
25       invited them directly. Even when I went to

1           that that was going to happen.

2           Q.       So, by that time you weren't attending  
3           the Unity and Security for America meetings?

4           A.       No. I want to say at that point I  
5           don't think we were even having meetings anymore.  
6           There was the get together that we had at Miller's  
7           and I think that was sometime in June. It may  
8           have been May when that happened. And then there  
9           was another get together downtown with the Proud  
10          Boys, prior to which I had never heard of the  
11          Proud Boys in any capacity, only then did I go on  
12          YouTube and watched a few videos. One of the  
13          members is actually one of my Cub Scouts when I  
14          was a Scout leader years ago. And I hadn't seen  
15          him since he was, you know, a Cub Scout, so...

16           Q.       What was the event about, the Proud  
17          Boys downtown?

18           A.       He had invited them to town to create a  
19          spectacle, which he succeeded in doing. That's  
20          when they did their little initiation thing in the  
21          alley, which again, I didn't participate, I just  
22          observed.

23           Q.       You were invited?

24           A.       Hmm?

25           Q.       You were invited to attend?

1 A. Yeah.

2 Q. Did he invite a number of people to  
3 attend?

4 A. Well, somehow he reached out to the  
5 Proud Boys. I'm not sure who he talked to or  
6 when. But, like I said, it was supposed to be a  
7 night where we were going to go downtown and hang  
8 out and have a few beers, and it turned into a  
9 fiasco.

10 Q. What made it --

11 A. SURJ showed up. We went to Cinema  
12 Taco, we ordered a beer, and we were told to  
13 leave. So, we left. And this is Jason now, I  
14 told Jason let's go somewhere else, let's get off  
15 the Mall. Let's go to the Lazy Parrot or Big  
16 Jim's Barbecue, somewhere not downtown. And he's  
17 like oh, no, no, no, no, I'm going to take them to  
18 Miller's. Man, don't take them to Miller's. So,  
19 he takes them to Miller's, they refuse them  
20 service. So, then we went down to the movie  
21 theater and we went in, ordered a beer, walked  
22 back outside, sat down.

23 The protesters showed up, started  
24 calling the movie theater, at which point they  
25 came out and we were asked to leave again. They

1       gave us our money and we left. You know, they  
2       refunded our money and we left.

3                   And at that point SURJ had sent out  
4       their little flash mob and there was probably 50  
5       to 100 of them. And Jason is out there with his  
6       camera videoing the whole thing. He takes a  
7       perverse pleasure in that thing. You know, at  
8       that point I think the Proud Boys were just like  
9       what have we gotten ourselves into? So, by the  
10      end of the night, they pretty much disavowed  
11      Jason. That was a manufactured spectacle on his  
12      part.

13                  Q.       And where did the Proud Boys come in  
14       from?

15                  A.       I'm not sure.

16                  Q.       Are they from Virginia?

17                  A.       Yeah.

18                  Q.       But not from Charlottesville?

19                  A.       No. Well, I mean, I think a few of  
20       them may have been from Charlottesville. They  
21       handle from Charlottesville, but I don't think  
22       they live here.

23                  Q.       So, this was an event that was a Proud  
24       Boys event, but Mr. Kessler invited people that  
25       weren't Proud Boys to come?

# **EXHIBIT C**

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

\*\*\*\*\*

JASON KESSLER,

Plaintiff,

-vs-

Case No.  
3:18CV00015

CITY OF CHARLOTTESVILLE

and

MAURICE JONES,  
Charlottesville City Manager,  
In his individual and official  
capacities,

Defendants.

\*\*\*\*\*

DEPOSITION OF JASON KESSLER

9:30 a.m. to 5:55 p.m.

June 27, 2018

Charlottesville, Virginia

Job No.: 37201

REPORTED BY: Kimberly A. Adderley, RPR, RMR

1 A. You mean under oath or are you talking  
2 about just normal life?

3 Q. Well, I didn't limit the question.

4 A. Well, one of the side effects of Ambien  
5 is that you have memory loss and you say and do  
6 things that you don't remember or that you  
7 otherwise wouldn't have done.

8 Q. Okay. And has that affected you in the  
9 past?

10 A. Yes.

11 Q. On how many occasions?

12 A. Numerous occasions.

13 Q. Can you recall any of them?

14 A. Well, yeah. I mean, sometimes I will  
15 wake up and food is strewn about or there's a mess  
16 in my room or in the kitchen, my family members  
17 will tell me that I was getting up and walking  
18 around, and I have no memory of it. On at least a  
19 few occasions I posted things on social media that  
20 seemed they were out of character and I didn't  
21 remember posting them.

22 Q. Okay. How often does this occur?

23 A. What do you mean "this"?

24 Q. Well, what you just described,  
25 disorientation and inability to remember what you

1           A.     I believe that what they should have  
2     done was taken the person to a hospital so they  
3     could receive treatment where they were equipped  
4     to handle it.

5           Q.     Okay. But they were not doing that?

6           A.     No.

7           Q.     And why was that?

8           A.     I don't know.

9           Q.     Okay. So, anyway, a combination of  
10   that and being busy at school?

11          A.     Yes.

12          Q.     What was the next -- well, I'm sorry,  
13   did you have any other employment during this --  
14   well, let's just say up to the time that you  
15   graduated from UVA, did you have any other  
16   employment?

17          A.     I don't recall.

18          Q.     Okay. Don't recall any other  
19   employment?

20          A.     Right.

21          Q.     Either full or part time?

22          A.     I don't recall.

23          Q.     Okay. So, after you graduated from  
24   UVA, what was your first job after that?

25          A.     I really don't recall what the first

1 one was. I never held any of the jobs for very  
2 long.

3 Q. Okay. Why was that?

4 A. Just it wasn't a good fit for me. I  
5 never found anything that was any more than just  
6 scraping by menial labor. I didn't think that it  
7 was what I was supposed to be doing.

8 Q. Okay. Did you apply to places and were  
9 turned down?

10 A. Yes.

11 Q. Do you have any idea why?

12 A. I think part of it is the liberal  
13 policies of some of these government institutions  
14 that I was applying to, affirmative action  
15 policies.

16 Q. I see. And did anybody ever tell you  
17 that's why you had been passed over for any of  
18 these jobs?

19 A. No. I could tell from the implication.

20 Q. Okay. What in particular?

21 A. Well, I applied for a job at the mental  
22 health support organization Region 10 and I was by  
23 far the most qualified candidate. I had college  
24 education and experience in the field. But, they  
25 gave the position to a woman who had never worked

1       in the field in her life and didn't have a college  
2       education.

3           Q.     Okay.

4           A.     So, I felt like the implication was  
5       considering that there were very few white males  
6       at that organization, that I had been passed over  
7       due to protected characteristics.

8           Q.     So, you said protected characteristics?

9           A.     That's right.

10          Q.     And what do you mean by that exactly?

11          A.     Race, gender.

12          Q.     Okay. Any others -- I'm sorry, did you  
13       file a complaint?

14          A.     I called the employer, but he was  
15       dismissive.

16          Q.     Okay. Did he suggest that he had hired  
17       the woman for reasons other than race and gender?

18          A.     I don't recall.

19          Q.     Okay. Any other circumstances where  
20       you think your employment was negatively affected  
21       by your race or gender, or your ability to obtain  
22       employment, I'm sorry?

23          A.     I would say that I faced reverse  
24       discrimination in the workplace in other  
25       locations.

1 Q. Okay. And did the film get made?

2 A. Yes.

3 Q. What were your duties?

4 A. I was location scout.

5 Q. Okay. And again, how long was that,  
6 were you employed that way?

7 A. A few months.

8 Q. Okay. And who was the person who made  
9 the film?

10 A. Jim Sadwith.

11 Q. Okay. What did -- can you spell that?

12 A. J-I-M.

13 Q. Sorry about that, the last name.

14 A. S-A-D-W-I-T-H.

15 Q. Okay. And what in general did the  
16 movie say about his life?

17 A. It was about his experience as a youth  
18 when he went looking for his favorite author,  
19 JD Salinger.

20 Q. Okay. Do you know if the movie got  
21 released?

22 A. It did.

23 Q. Okay. Where, and how did it do?

24 A. I know it was on some independent film  
25 circuits, I think it played at the Virginia Film

1 Festival.

2 Q. This was Coming through the Rye was the  
3 name of the movie?

4 A. That's right.

5 Q. So, this gets us now to about 2015.

6 Did you have another job after that?

7 A. I don't recall.

8 Q. Okay. So, you don't recall any  
9 employment after your work as a location scout on  
10 the Coming through the Rye movie?

11 A. Right.

12 Q. I'm just going to --

13 MR. LONGSTRETH: I would like to  
14 mark -- what's our next exhibit?

15 THE STENOGRAPHER: Exhibit 13.

16 MR. LONGSTRETH: Okay.

17

18 (Defendants' Exhibit 13 marked for  
19 identification)

20

21 MR. LONGSTRETH: Mr. Kolenich, we are  
22 starting with 13. We had the deposition of  
23 Mr. Lambert on Monday, which I guess you and  
24 Mr. Woodard determined not to attend. We  
25 marked 1 to 12, and so just to keep things in

1 order, we are doing 13.

2 MR. KOLENICH: Okay. Thank you.

3 MR. LONGSTRETH: And I'm going to hand  
4 it to Mr. Kessler. And it's the employment  
5 application for his job with the City. And  
6 I'm just doing it to go over a couple of  
7 things that he might not have recalled about  
8 his employment history.

9 BY MR. LONGSTRETH:

10 Q. You can take some time to look at it if  
11 you would like.

12 MR. LONGSTRETH: And it's been -- we  
13 asked the City for it, the City asked that we  
14 redact the names of his personal and  
15 professional references. So, when you get  
16 the transcript and the documents, you will  
17 see that that's been done.

18 MR. KOLENICH: Okay.

19 MR. LONGSTRETH: Hopefully accurately  
20 and completely.

21 BY MR. LONGSTRETH:

22 Q. Mr. Kessler, does this appear to be the  
23 application you made to the Carver Center?

24 A. Yes.

25 Q. And I think we have gone over the

1 through the Bitcoin? I think you said it was over  
2 and above the \$2,500.

3 A. Not very much personally. I don't  
4 recall.

5 Q. Okay.

6 A. Under \$1,000.

7 Q. And the people who contribute to you  
8 are people who have seen you on -- people who have  
9 seen your solicitation on the website?

10 A. Perhaps, or they ask me and I've told  
11 them about it.

12 Q. Okay. You said you were a journalist.  
13 Have your articles been published anywhere?

14 A. Yes.

15 Q. Okay. Where?

16 A. Daily Caller, VDare, GotNews.

17 Q. I'm sorry, VDare, V, D-A-R-E?

18 A. Yes.

19 Q. Okay. What is VDare?

20 A. It's a news outlet focusing mostly on  
21 immigration issues.

22 Q. Okay. Who runs it?

23 A. Peter Brimelow.

24 Q. Okay. How do you spell that?

25 A. B-R-I-M-E-L-O-W.

1 Q. And what's that?

2 A. It's a online news outlet.

3 Q. And where are they located?

4 A. I'm not sure.

5 Q. Okay. So, it's online?

6 A. Yes.

7 Q. When was the last time you had an  
8 article published by them?

9 A. It's been a long time.

10 Q. A year?

11 A. Maybe.

12 Q. Okay. When we were mentioning sources  
13 of income, just to go back to the Daily Caller,  
14 were you paid by Daily Caller?

15 A. Yes.

16 Q. And how much?

17 A. Maybe like \$120, \$240, something like  
18 that.

19 Q. Per article?

20 A. Total.

21 Q. Okay. Total. How many articles did  
22 you do for them?

23 A. I think it was three.

24 Q. Three, okay. What was the subject  
25 matter of those?

1 Q. So, your position is you weren't  
2 directly involved in that, you were acting as a  
3 journalist?

4 A. That's correct.

5 Q. Okay. But, in any event, that the last  
6 article that you did for the Daily Caller?

7 A. I believe so.

8 Q. And then VDare, did you receive any  
9 payment for that?

10 A. Yes.

11 Q. How much?

12 A. Maybe \$600.

13 Q. Okay. And that's for the one article  
14 on the immigration issue or how many articles was  
15 that?

16 A. I don't recall how many articles.

17 Q. Okay.

18 A. I mean, most of my articles have been  
19 written -- well, I just don't recall.

20 Q. Okay. How many -- anyway, you said  
21 it's been a few months since the last one that you  
22 did for them?

23 A. Yes.

24 Q. Would you say it's more than 10, 3 to  
25 5, can you give me any ballpark on how many it's

1 Q. Okay. Can you just describe generally,  
2 was it fiction or nonfiction?

3 A. Fiction.

4 Q. Okay. Can you describe generally what  
5 it was about?

6 A. It was a nuart crime thriller.

7 Q. And is that -- when you mentioned your  
8 creative writing that has been published, is that  
9 when you mentioned the small online publisher?

10 A. Yes.

11 Q. Any other sources of income you can  
12 think of?

13 A. Not off the top of my head. I get  
14 donations sporadically from my grandmother.

15 Q. Okay. I'm not talking about gifts,  
16 so...

17 Have you ever been married?

18 A. No.

19 Q. And do you have any children?

20 A. No.

21 Q. Okay.

22 MR. LONGSTRETH: I've got a document  
23 that I would like to have marked as  
24 Defendants' Exhibit 14.

25

1 (Defendants' Exhibit 14 marked for  
2 identification)

3

4 BY MR. LONGSTRETH:

5 Q. You can take a look at it, I'm just  
6 going to ask you if you recognize it.

7 A. Yes.

8                   Q.       Was that -- well, just describe what it  
9                  is.

10 A. It's a tweet.

11 Q. Okay. From?

12 A. Richard Spencer.

13 Q. Okay. And is this where he is  
14 responding to your tweet about Heather Heyer?

15 A. Yes.

16 Q. Okay. And he says he will no longer  
17 associate with you. Has he no longer associated  
18 with you?

19 A. Pretty much.

20 Q. Well, is pretty much -- what is the  
21 difference between pretty much and no?

22 A. I think that I exchanged like two texts  
23 with him. Other than that, I haven't really had  
24 any contact with him.

25 Q. Okay. And this was right after the

1       August 12th rally that this --

2           A.     Yes.

3           Q.     -- occurred? I guess it's dated

4       August 18th --

5           A.     Uh-huh.

6           Q.     -- 2017. That's about your  
7       recollection of this back and forth?

8           A.     Right.

9           Q.     And I believe this was the -- oh, I'm  
10      sorry, you said you exchanged two texts with him.  
11      When and on what subject?

12          A.     I mentioned the upcoming rally to him  
13      and he said he would take it under advisement.

14          Q.     Okay. And when you say upcoming, you  
15      are talking about what you call -- and let's back  
16      up a second.

17               Let me finish the question. When you  
18      say the upcoming rally, you are talking about what  
19      you have referred to as Unite the Right 2 or UTR  
20      2?

21          A.     Right.

22          Q.     And we will adopt the convention --

23          A.     The D.C. rally, not the Charlottesville  
24      rally.

25          Q.     Okay. We better have a different name

1 Q. If I told you May 8th, would that sound  
2 right to you?

3 A. It could.

4 Q. But, in any event, soon after, within a  
5 week or two after you filed that permit, you  
6 called Richard Spencer?

7 A. It was a long time afterward, probably  
8 a month.

9 Q. A month after, okay. So, how long ago  
10 from now, as we sit here today?

11 A. What do you mean?

12 Q. Well, how long ago was it? We are  
13 talking about after the permit.

14 A. I don't know, it was several weeks ago.

15 Q. So, several weeks ago, okay. And why  
16 did you call him after he said he would no longer  
17 associate with you?

18 A. I don't know. I just felt like it was  
19 a common courtesy.

20 Q. Okay. Because, I mean?

21 A. Because he lives near there.

22 Q. Okay. Where does he live?

23 A. Northern Virginia.

24 Q. Okay. And had you had any contact with  
25 Mr. Spencer between the time of his response to

1 your tweet and this call you made to him several  
2 weeks ago about UTR 2 D.C.?

3 A. Not that I can recall.

4 Q. Okay. So, then he texted -- so, you  
5 called him and then what did he text you?

6 A. He just said, he basically just asked  
7 me what I was calling about.

8 Q. Okay. And you texted him back?

9 A. Yeah.

10 Q. Okay. And what do you say?

11 A. I said we are doing a rally on  
12 August 12th.

13 Q. Okay. And what was his response, if  
14 any?

15 A. He said I will take it under  
16 advisement.

17 Q. Okay. And is that the last contact you  
18 have had with Mr. Spencer?

19 A. Yes.

20 Q. Were those texts on your phone?

21 A. Yes.

22 Q. Okay. Is that the phone that's in  
23 front of you?

24 A. Yes.

25 Q. And is that the phone with the phone

1 Q. Okay. Did you transfer over any  
2 information from the 5 to the 8?

3 A. Yes.

4 Q. What information?

5 A. All of it. Everything that was on the  
6 other phone is on the new phone.

7 Q. Okay. So, even any texts or e-mails  
8 that were on that phone?

9 A. Yes.

10 Q. Okay. You got a document request from  
11 us, do you recall that?

12 A. Yes.

13 Q. Okay. Did you look at your phone to  
14 find out if you had any texts that might be  
15 responsive to that document request?

16 A. The texts are in the -- yeah, we turned  
17 over the texts.

18 Q. You did turn over the texts?

19 A. Yes.

20 Q. And where are those?

21 A. Those are in the Drop Box folder.

22 Q. Okay. Do you recall any particular  
23 texts in there that you turned over?

24 A. There are -- I put everything in there.  
25 There might be stuff that is more recent that's

1 not, but we can provide that.

2 Q. Okay.

3 A. We are doing the best we can.

4 Q. I understand. Do you know are the  
5 Spencer texts in there?

6 A. I'm not sure. I will go back and look  
7 after this and if they are not, I will send them  
8 over to you guys.

9 Q. Okay, thanks.

10 If you look at page three of what is  
11 now Defense Exhibit 14.

12 A. I don't see a page.

13 Q. I'm sorry, it's not marked as page 3,  
14 but it's the third page, but it has in the middle  
15 of it what appear to be reproductions of two  
16 tweets from you. Do you see that?

17 It's the next page.

18 A. Okay, yeah.

19 Q. And are those in fact tweets that you  
20 sent?

21 A. Yes.

22 Q. Okay. And this is where you repudiate  
23 the tweet, we talked about that earlier --

24 A. Yes.

25 Q. -- because you were on Ambien?

1 A. Yes.

2 Q. And then you also mentioned Xanax?

3 A. Yes.

4 Q. Okay. So, is Xanax another medication  
5 that you were taking at the time?

6 A. At the time, yes.

7 Q. And was that for anxiety?

8 A. Yes.

9 Q. Depression also or just anxiety?

10 A. Anxiety and insomnia.

11 Q. And you had also been drinking?

12 A. Yes.

13 Q. So, are you currently taking Xanax?

14 A. No.

15 Q. When was the last time you had took  
16 Xanax?

17 A. Maybe a couple months ago.

18 Q. Okay. And how often do you take Ambien  
19 Xanax and drink?

20 A. Not very often.

21 Q. Okay. But on this occasion you did?

22 A. Yes.

23 Q. I've got -- let's see.

24 You filed a complaint in March,  
25 March 6th, I will represent to you that's the

1 MR. LONGSTRETH: Are we up to 15?

2

3 (Defendants' Exhibit 15 marked for  
4 identification)

5

6 BY MR. LONGSTRETH:

7 Q. You recognize this document?

8 A. Yes.

9 Q. And what is it?

10 A. It's a post that I made on Gab.

11 Q. Okay. When you say a post that you  
12 made on Gab, this is Gab AI?

13 A. Social media platform.

14 Q. Social media platform Gab AI?

15 A. Yes.

16 Q. And that's you, Jason Kessler  
17 @TheMadDimensions?

18 A. Yes.

19 Q. And you see you have a response from  
20 Marcus Boechat, "I'm with you let us collect  
21 another 198 men."

22 A. Okay.

23 Q. Do you see that?

24 A. Yes.

25 Q. Does that refresh your recollection as

1 had any discussions on the documents on  
2 password protected sites?"

3 THE WITNESS: Discussion on the  
4 documents on password protected sites? What  
5 do you mean, discussions about the  
6 production?

7 BY MR. LONGSTRETH:

8 Q. Have you had -- well, I will strike  
9 that and ask it again.

10 Have you had any discussions about UTR  
11 2, have you had any discussions about UTR 2 on  
12 password protected sites?

13 A. My Facebook is password protected.

14 Q. Okay. So, you gave us that. Any  
15 others?

16 A. Well, these publicly available things  
17 through Gab and Twitter. I have to log in to  
18 access those social media sites.

19 Q. Okay. So, would those be publicly  
20 available to somebody who didn't have a password?

21 A. Yes.

22 Q. How?

23 A. You would go to the URL for my account,  
24 which would be in the case of Gab, for instance,  
25 www.Gab.ai/TheMadDimension. For Twitter that

1 A. Yes.

2 Q. Were we provided any of those?

3 A. I don't have any.

4 Q. Okay. Can you have a private chat on  
5 Signal -- I'm sorry, what's Signal?

6 A. Signal is another messenger service.

7 Q. Can you have a private chat on Signal?

8 A. You can.

9 Q. Were we provided any documents from  
10 that?

11 A. I don't have any responsive documents.

12 Q. How do you know that?

13 A. Because it's another privacy messenger  
14 that wipes itself after a certain period of time.

15 Q. So, basically any documents you are  
16 creating concerning the UTR 2 on Signal, you  
17 create those documents and then they are wiped out  
18 a week later.

19 A. They are not saved.

20 Q. They are not saved?

21 A. I don't wipe them. It just is an  
22 application that does not save those things.

23 Q. Okay. So, are you doing anything to  
24 preserve those before they are not saved by Signal  
25 or VK or any of these other services?

1 A. No.

2 Q. When you go on to these private chats,  
3 is the purpose of that so you can have discussions  
4 about the rally and keep it private?

5 A. Yes.

6 Q. And then after a week, those  
7 discussions will disappear; is that correct?

8 A. However long the period of time is,  
9 yes.

10 Q. Okay. But your understanding, at least  
11 on some, you have used a period of about a week?

12 A. Uh-huh.

13 Q. But, it's -- I'm sorry, the answer was  
14 yes?

15 A. I think so.

16 Q. Anyway, it's whatever that particular  
17 media provider provides.

18 A. Yes.

19 Q. What's the Discord server?

20 A. It's another chat room.

21 Q. Okay. And are you the moderator of  
22 certain forums on the Discord server?

23 A. Yes.

24 Q. Which ones?

25 A. I have one that's called New Byzantium.

1 Q. Eight times over what time period?

2 A. Maybe like 20 years.

3 Q. Okay. Do you recall what the arrests  
4 were for?

5 A. Yeah.

6 Q. What?

7 A. Shoplifting, perjury, I think  
8 disorderly conduct, some internet thing, I don't  
9 recall.

10 Q. Some internet thing?

11 A. Yeah. Online harassment or something.

12 Q. Okay. Who were you alleged to have  
13 harassed?

14 A. Edward Gorcenski or Emily Gorcenski,  
15 I'm not sure what is the legal name.

16 Q. When was that?

17 A. I think it was March 2018.

18 Q. So, within the last two or three  
19 months.

20 A. No. It was longer than that. Maybe it  
21 was the end of 2017. I don't recall.

22 Q. Maybe six months ago, okay. Any other  
23 arrests that you can recall?

24 A. Assault, misdemeanor assault.

25 Q. Okay. On who?

1 A. Jay Taylor.

2 Q. Jay Taylor, okay. And that was an  
3 incident in January 2017?

4 A. Yes.

5 Q. What was the disposition of that?

6 A. I pled guilty.

7 Q. Okay. And what was your sentence?

8 A. I think it was 40 hours of community  
9 service.

10 Q. Did you get a term that was suspended?

11 A. Yes.

12 Q. And what was that?

13 A. I don't recall.

14 Q. Okay. But some term of imprisonment  
15 all of which was suspended, is your recollection?

16 A. Yes.

17 Q. And what were the circumstances of the  
18 assault and battery on Mr. Taylor?

19 A. I was collecting signatures on the  
20 Downtown Mall for a petition, we had an  
21 altercation and I ended up punching him.

22 Q. Okay. And was Mr. Taylor charged?

23 A. Yes.

24 Q. He was. He was charged based on your  
25 affidavit; is that correct?

1 A. Yes.

2 Q. And that's what led to the perjury  
3 charge against you; is that right?

4 A. Yes.

5 Q. Because there was video of the incident  
6 and there was a determination made that the video  
7 was inconsistent with your sworn affidavit to the  
8 magistrate; is that correct?

9 A. That was according to the  
10 Charlottesville Commonwealth Attorney at least.

11 Q. Okay. And the case was tried?

12 A. Right.

13 Q. Okay. And did the jury reach a  
14 verdict?

15 A. No. The case was weak enough that I  
16 was acquitted before it went to the jury.

17 Q. Okay. And on what basis were you  
18 acquitted?

19 A. The prosecutor had not laid a  
20 foundation.

21 Q. For venue?

22 A. That's correct.

23 Q. Okay. Was any determination made as to  
24 whether you had lied or not lied in your  
25 affidavit?

1 A. I was acquitted.

2 Q. Well, I'm asking on the specific  
3 question, was the factual issue ever presented to  
4 the jury as to whether you had lied or not lied in  
5 your affidavit?

6 A. It was presented to the jury.

7 Q. Right. Did the jury make a  
8 determination?

9 A. No. I was acquitted before the jury  
10 made their decision.

11 Q. Because the prosecutor had not  
12 established venue; is that correct?

13 A. That's correct.

14 Q. Now, May 2017, you got a disorderly  
15 related to a bullhorn incident in the park; is  
16 that correct?

17 A. Yes.

18 Q. What were you arrested for?

19 A. Disorderly conduct.

20 Q. Okay. And what did the police officer  
21 say you had done to deserve that arrest?

22 A. Well, what it said on the arrest  
23 report, or whatever, was using the bullhorn and  
24 not leaving the park.

25 Q. Okay. And there was something about

1 reason you don't remember the second part of the  
2 news report?

3 A. I recall the parts that I spoke about.

4 Q. Okay. She also described you as a very  
5 troubled person. Would you agree you are a very  
6 troubled person?

7 A. No.

8 Q. Okay. Why not?

9 A. I'm just a normal person.

10 Q. Okay. She said we do not think you  
11 fully understand the damage you've caused in this  
12 community. Do you agree with that?

13 A. No.

14 Q. Why not?

15 A. I don't think she understands the  
16 damage that her government caused to me, the  
17 emotional toll, the violation of my rights.

18 Q. Okay.

19 A. The physical violence that's been done  
20 to me with no justice.

21 Q. I understand. So, is there any conduct  
22 that you have engaged in that you think might have  
23 caused damage to the community?

24 A. No.

25 Q. None at all?

1 A. No.

2 Q. You're perfectly fine with everything  
3 you have done?

4 A. Yes.

5 Q. No regrets?

6 A. Correct.

7 Q. No remorse?

8 A. Correct.

9 Q. Nothing that's happened is your fault?

10 A. No.

11 Q. Okay. I'm sorry, do you believe that  
12 anything that has happened in the City is your  
13 fault?

14 A. No.

15 Q. Okay. Is there any other evidence that  
16 Miss Antony might have that might be relevant to  
17 your case?

18 A. I don't know.

19 Q. Okay. But, at least as far as you are  
20 aware, she was listed for the reason you just  
21 gave?

22 A. Right.

23 Q. Okay. Do you believe in that incident  
24 that your message caused other people to come and  
25 surround you and act violently?

1 Q. And that was when you did work for the  
2 Daily Caller?

3 A. Right.

4 Q. When did you meet Richard Spencer?

5 A. That was I think -- I don't recall. It  
6 was in 2017 after the Syrian missile strikes.

7 Q. And so you were in D.C. for a protest  
8 and met him?

9 A. Yes.

10 Q. And did you discuss his planned event  
11 in May then?

12 A. Not with him. His employee Eli Mosley  
13 had mentioned it.

14 Q. Okay. Was that the first time you had  
15 met Eli Mosley?

16 A. Yes.

17 Q. And what did you understand Mosley's  
18 relation to Spencer to be?

19 A. I don't know, supporter, employee, it  
20 wasn't quite clear.

21 Q. Okay. But you met both of them at this  
22 April event?

23 A. Yes.

24 Q. And so, Mosley mentioned there was  
25 going to be something at UVA the next month?

1 far as I know.

2 Q. Correct. And did Mosley act -- was  
3 Mosley providing security in some way for Spencer?

4 A. I don't know.

5 Q. Okay. Did he ever provide security in  
6 some capacity for you?

7 A. No.

8 Q. No. Was he involved at all in security  
9 for the Unite the Right rally?

10 A. Yes.

11 Q. I'm sorry, we are talking about Unite  
12 the Right 1.

13 A. Yes. He was responsible for almost  
14 everything that happened on the ground. I was  
15 mostly focused on the court cases and promoting  
16 the event and talking to -- let's see, you know,  
17 finding the speakers, booking the speakers, he  
18 handled all that other stuff.

19 Q. Okay. Have you had any discussions  
20 with -- is Elliott Kline his real name?

21 A. I believe so.

22 Q. Why don't we call him Elliott Kline for  
23 now, since that's his real name, and we will leave  
24 the aliases to him. Have you had any discussions  
25 with Elliott Kline since UTR 1?

1 A. Yes.

2 Q. Okay. What is the most recent one?

3 A. I don't recall what the most recent one  
4 is.

5 Q. Okay. Has he in any way severed ties  
6 with you or disassociated himself from you?

7 A. Right. Yeah, we don't correspond.

8 Q. Okay. Is that for the same reason that  
9 Spencer did, because he's Spencers guy, or was  
10 there a separate reason?

11 A. Separate reasons.

12 Q. What's that?

13 A. Well, he tried to take the event over  
14 from me the first time. He tried to undermine my  
15 authority, and that on-the-ground stuff that  
16 happened was not authorized by me and I did not  
17 want to happen.

18 Q. What are you talking about?

19 A. Well, first of all, I wasn't given a  
20 megaphone on August 11th. I called the police and  
21 let them know that there was going to be that  
22 march, and my understanding was that they were  
23 going to create separation between the  
24 demonstrators and the counterdemonstrators. And  
25 when I saw the demonstrators were there and there

1 was no police in the way, I was concerned about  
2 there being clashes. But Eli was the only one who  
3 had a megaphone and he didn't say anything to stop  
4 the people from walking, and so I was upset about  
5 that. I would --

6 Q. When you say May 11th, what event on  
7 May 11th?

8 A. Not May 11th, August 11th.

9 Q. I'm sorry, August 11th. Which event on  
10 August 11th?

11 A. That was the torch march at the  
12 Rotunda.

13 Q. Okay.

14 A. And also, I mean, I wasn't made aware  
15 of any on-the-ground activity that was going on on  
16 August 12th. This guy did not tell me that there  
17 were armed counterdemonstrators outside the event.  
18 He didn't warn anybody not to go to the park for  
19 that reason. He didn't tell me that this guy Jack  
20 Pierce had called off the escort for Richard  
21 Spencer.

22 Q. Okay. So, have you had any discussions  
23 with -- so, I take it then you have had a falling  
24 out with him because you said you thought he tried  
25 to take over the rally.

1 A. Yeah.

2 Q. Okay. And were you able to -- and you  
3 weren't able to keep him from taking over the  
4 rally, I guess, is your testimony.

5 A. I didn't know it was happening.

6 Q. Okay. And since the rally have you had  
7 any discussions with Mr. Mosley?

8 A. Yes.

9 Q. What was -- when?

10 A. I think I've spoken to him on the phone  
11 a few times.

12 Q. Okay.

13 A. But I don't recall exactly when. I  
14 haven't spoken to him in some months.

15 Q. Okay. Have you spoken to him at all  
16 about UTR 2?

17 A. To who?

18 Q. Have you spoken to him at all about UTR  
19 2?

20 A. Not that I can recall.

21 Q. Do you know if he is planning to come?

22 A. He's not.

23 Q. How do you know that?

24 A. Just people have told me that. I don't  
25 think he is politically active anymore.

1                   So, I guess you are aware that a  
2 preliminary injunction motion was filed last  
3 Friday.

4                 A. Yes.

5                 Q. And that's what we're litigating her  
6 now and why we are on kind of a faster schedule  
7 than sometimes would be in litigation.

8                   And you applied for a permit?

9                 A. Yes.

10                Q. And that application was very similar  
11 to the application that you had filed in 2017?

12                A. Yes.

13                Q. Okay. You said you were going to have  
14 400 attendees?

15                A. That's what I put on the application.

16                Q. Right. And that's what you put on the  
17 application last year.

18                A. Yes.

19                Q. How did you come up with the number  
20 400?

21                A. I just pulled it out of a hat. I  
22 didn't have any idea how many there would be.

23                Q. Okay. Either this year or last year?

24                A. I can -- I don't know the exact number  
25 this year either. I can say it will be less than

1 last year.

2 Q. Why is that?

3 A. Because a lot of people are against the  
4 idea of doing a demonstration in Charlottesville  
5 because they feel like they will be attacked while  
6 the police stand down and then they will be  
7 arrested if they defend themselves.

8 Q. When you say a lot of people, how many  
9 would you say?

10 A. I can't say the number. But like  
11 that's the overwhelming feedback is 90 percent of  
12 the people say I'm not going back.

13 Q. And how do they say that?

14 A. They send messages on social media.

15 Q. Okay. And again, to the extent those  
16 messages exist, we would like to have them.

17 Some of those may be a message on  
18 social media where they disappear after a week,  
19 though; is that correct?

20 A. I think most of them are like if I go  
21 onto somebody else's page and they are talking  
22 about it and I see a bunch of comments. It's not  
23 necessarily stuff that is on my page or my social  
24 media account.

25 Q. Okay. Have you tried to see if that

1                  A.        No. It has to do with their safety and  
2 whether they feel like the criminal justice system  
3 is fair in Charlottesville, whether it will  
4 protect them against violence.

5 Q. And I think you had testified to this  
6 before, your sense that the criminal justice  
7 system was biased in favor of the  
8 counterprotesters and against people on your side.

9 A. Yeah, absolutely.

10 Q. Okay. How do you describe people on  
11 your side? I mean, I'm trying to think of a -- we  
12 will talk about the counterprotesters are the  
13 people not on your side. And what do you call the  
14 people on your side? I just want to use your  
15 convention so we know what we are talking about.

## 16 A. Demonstrators.

17 Q. So, you are the demonstrators and they  
18 are the counterprotesters?

19 A. Yes.

20 Q. Okay. So, we will try to do that. We  
21 will just have an understanding the demonstrator  
22 will be your side and the counterprotesters will  
23 be the other side.

24 So, you put the same number in, 400,  
25 this year for your permit; correct?

1 information was provided to Mr. Heaphy for his  
2 report?

3 A. I don't think that it was.

4 Q. Okay. When did you get it?

5 A. I don't recall. I think after the  
6 Heaphy report was released.

7 Q. Okay. Why did you ask for it at that  
8 point?

9 A. I don't remember exactly the  
10 circumstances of when and how I asked for it.

11 Q. Okay. I'm going to have marked as an  
12 exhibit, Defendants' 18, and this is your permit  
13 application which I've just taken as an exhibit  
14 from your complaint.

15  
16 (Defendants' Exhibit 18 marked for  
17 identification)

18  
19 Q. Can you confirm this is the permit  
20 application submitted on November 27th?

21 A. Yes.

22 Q. Okay. You will see you don't have an  
23 address listed; is that correct?

24 A. Correct.

25 Q. Why is that?

1 A. Yes.

2 Q. And that's the phone you brought with  
3 you today?

4 A. Yes.

5 Q. And that's your only phone?

6 A. Yes.

7 Q. And if you look at the second page of  
8 the application, you've got the time written out,  
9 you originally had one time written and crossed it  
10 out and wrote 7:00 a.m.

11 A. Uh-huh.

12 Q. Do you remember what you originally  
13 had?

14 A. No.

15 Q. Okay. And then Sunday, do you recall  
16 what is crossed out there?

17 A. No.

18 Q. It looks like a date maybe. But, in  
19 any event, you put in Sunday's date, and then  
20 again you have 7:00 a.m. So, you are asking  
21 Saturday 7:00 a.m. to 11:00 p.m. and Sunday  
22 7:00 a.m. to 11:00 p.m. So, that's, what, 16  
23 hours each day?

24 A. I haven't added it up in my head.

25 Q. Well, 7:00 to 7:00 is 12, and then

1       8:00, 9:00, 10:00, 11:00, so...

2                 Okay. Did you have 32 hours of  
3 programming planned for your event?

4             A. No.

5             Q. But you asked for 32 hours?

6             A. To be on the safe side, yes.

7             Q. Okay. If you look down at your other  
8 City services requested, it says, "Police that  
9 show up and keep opposing sides separate." Do you  
10 see that?

11          A. Yes.

12          Q. So, you wanted the police there for 32  
13 hours to keep opposing sides separate?

14          A. No. We are not going to need to do the  
15 event for 32 hours.

16          Q. Well, but you put in for 32 hours.

17          A. That's the time that I want the park  
18 reserved.

19          Q. Okay. Did you indicate anyplace here  
20 that you didn't need the park for 32 hours on the  
21 application?

22          A. No.

23          Q. And we talked about opposing sides, so  
24 by opposing sides we mean demonstrators or  
25 counterdemonstrators or --

1 A. Yeah.

2 Q. Why is that?

3 A. Because I think that it's -- I think  
4 Charlottesville's decision last year to have  
5 counterdemonstrators in these parks at the same  
6 time that they were going to have a demonstration  
7 only a block away at Lee Park was incredibly  
8 dangerous. I think that they intended to use  
9 those parks as staging grounds for violent attacks  
10 against my rally.

11 Q. And what is your basis for saying that?

12 A. Well, just the association between  
13 Charlottesville government officials and the  
14 counterprotest groups, including Redneck Revolt  
15 who were intimidating people with AR 15s, were  
16 pointing them at vehicles.

17 Q. Okay. The fact that Charlottesville  
18 City Councilors like Wes Bellamy and Kristin  
19 Szakos were marching with Clergy Collective  
20 members who in fact organized that march and later  
21 were bashing people across the face with sticks.  
22 They were -- I mean, they were organizing with  
23 these Clergy people in parking lots, these Antifa  
24 groups who were later photographed bashing people  
25 over the face as they laid on the ground.

1 and none of them were there to exercise their own  
2 First Amendment rights?

3 A. I think it was a mixture of the two.

4 Q. Okay. But, in your view the City  
5 didn't have an obligation to give the  
6 counterprotesters a spot to counterprotest?

7 A. They absolutely did.

8 Q. They did?

9 A. Yes.

10 Q. And within sight and sound of you?

11 A. Yes.

12 Q. But not in those parks.

13 A. The protesters don't have a right to be  
14 confronting permitted demonstrators with weapons.  
15 And I think that that's what they allowed those  
16 people to do.

17 Q. Right.

18 A. And I think that they should have  
19 protected their rights but kept them safely behind  
20 barricades. And that's what I indicated to  
21 Mr. Jones five days before the event.

22 Q. Okay. At the time the  
23 counterprotesters submitted their permits, did  
24 they state their intention to -- did they state  
25 their expectation of violence?

1 or not.

2 Q. And why was that?

3 A. Well, there seemed to be political  
4 pressure from Charlottesville City Council that  
5 was preventing the police from doing their jobs.  
6 There seemed to be a lack of commitment, there  
7 seemed to be a lot of confusion, and it didn't  
8 seem like they were taking the counterprotester  
9 violence seriously because those are their  
10 supporters and the ones that are voting them into  
11 office.

12 Q. So, you felt you had to take security  
13 into your own hands to some extent.

14 A. Well, I mean, all these guys did was  
15 just stand around me to make sure no one was going  
16 to run at me and punch me.

17 Q. Okay.

18 A. They're no different than having  
19 friends.

20 Q. So, what you are saying is these five  
21 security people, these were just for you?

22 A. Yes.

23 Q. Okay. Did you have -- what about the  
24 other speakers?

25 A. They handled their own thing.

1 Q. They handled their own security?

2 A. Yes.

3 Q. So, you weren't responsible for that?

4 A. Right.

5 Q. You were responsible for everything  
6 else, but not for security?

7 A. I didn't handle that aspect.

8 Q. Okay. Was there anything else you  
9 didn't handle besides security?

10 A. The on-the-ground logistic stuff was by  
11 in large not something that I handled.

12

13 (Outside interruption)

14

15 Q. What do you mean by on-the-ground  
16 logistics?

17 A. There were other people like Jack  
18 Pierce who were communicating with the  
19 Charlottesville Police Department on behalf of  
20 other speakers like Richard Spencer.

21 Q. Okay. But you yourself took no  
22 responsibility for that?

23 A. No. And I also wasn't in communication  
24 with some of these other groups leading up to the  
25 event, like League of the South, National

1 Socialist Movement. I mean, I had spoken to them  
2 at a certain point, but I didn't have any  
3 coordination with them for a while prior to the  
4 event.

5 Q. Okay. And why was that?

6           A.     I just wasn't -- I was so busy trying  
7        to fight the legal case and Elliott Kline was  
8        handling logistical stuff, and he hadn't even been  
9        speaking to them in some time. So, there just was  
10      several degrees of separation between me and them.

11 Q. Okay. So, you were handling the legal  
12 and some of the other aspects of it?

13 A. Yeah.

14 Q. So, the security you delegated to  
15 Elliott Kline?

16                  A.        Yeah. Elliott was supposed to take  
17 charge on that.

18 Q. Okay. That was your understanding  
19 anyway.

20 A. That was my understanding.

21 Q. That he was in charge of the security  
22 for it.

23                           And then what was Jack Pierce's role in  
24                           relationship to Elliott Kline?

25 A. I think he and Elliott were both

1 employees of Richard Spencer.

2 Q. Okay. So, you basically delegated the  
3 security to Spencer's team as your --

4 A. I didn't know at the time that they  
5 were --

6 Q. That they were Spencer's --

7 A. -- employees of Spencer.

8 Q. But, you delegated it then to people  
9 who turned out to be on Spencer's team, I guess is  
10 probably the best way to put it.

11 A. Yes.

12 Q. But you were busy on other things and  
13 couldn't focus on this.

14 A. Yes.

15 Q. Okay. The first footnote says that,  
16 "The Court may and should take judicial notice of  
17 the evidence and orders located in the UTR 1  
18 permit litigation."

19 Do you see that? I'm sorry, it's not  
20 in front of you. Do you understand -- well, I'm  
21 just going to read this from your paper. It says,  
22 "The Court may and should take judicial notice of  
23 the evidence and orders located in the UTR 1  
24 permit litigation."

25 Do you understand what that means?

A. That's what I mentioned, but it wasn't me. They had received advice from other law enforcement agencies which they chose to ignore.

Q. And that evidence was, in your understanding, that people you are identifying as counterprotesters or on the counterprotester side had engaged in violence in these prior rallies?

A. My understanding from the Heaphy report is that these other localities had warned the Charlottesville government that the potential for violence came from these counterdemonstrators using violence as a heckler's veto to shut down speech.

Q. So, based on the past experience in Pikeville and Berkeley and Portland, you thought the Charlottesville Police Department ought to take that past experience into account in determining what to do for this rally; is that correct?

A. Oh, absolutely. I mean, they were told by multiple law enforcement agencies; state, local, and federal what they needed to do. I told them exactly what they needed to do in keeping with the advice of other law enforcement agencies, and they did the opposite of that.

1 A. Will prosecute them.

2 Q. Is that in the article?

3 A. Probably is.

4 Q. Probably is, but you don't know for  
5 sure?

6 A. I don't recall.

7 Q. You would just like it to be in the  
8 article because it's consistent with your view of  
9 the case; isn't that right?

10 A. I can't recall.

11 Q. So, you are just making up something  
12 that is in that article because you think it will  
13 help your case; right?

14 A. No.

15 Q. You don't know if it's in that article  
16 or not, do you?

17 A. I just know what I've heard from all of  
18 these individuals and organizations.

19 Q. Right.

20 A. Is that they are not coming back, so  
21 that's probably coloring my recollection of it.

22 Q. Yeah, okay.

23 Have you ever heard anybody say they  
24 are not coming back to this rally because they  
25 don't have any confidence in your leadership of

1 it?

2 A. There are some people who say that.

3 Q. Some people do say that. But that  
4 wasn't what you volunteered when I asked you why,  
5 is it?

6 And why don't they have confidence in  
7 your leadership?

8 A. They think that the Charlottesville  
9 Government is laying traps for people, that they  
10 come here and get attacked and then they are  
11 arrested for defending themselves, and they feel  
12 like I'm bringing them back into a trap.

13 Q. Uh-huh. So, they don't have any  
14 confidence in your ability to avoid that  
15 situation; is that correct?

16 A. They think that my judgment in trusting  
17 the Charlottesville Government to protect public  
18 safety and adjudicate legal matters fairly is  
19 flawed.

20 Q. Okay. But, you have testified a lot in  
21 this case that you don't have confidence in the  
22 ability of the Charlottesville Police Department  
23 or in the fairness of the system. Isn't that what  
24 you testified to earlier?

25 A. Yes.

1 Q. So, are you now saying that -- so, why  
2 are you now saying that that's your judgment? I  
3 don't see how those two things square up.

4 A. Because I think that people can't even  
5 use self-defense. I think that we have a right to  
6 speech and if we go to do our demonstration and  
7 the supporters of the Charlottesville Government  
8 beat us senseless, then that's going to be on  
9 them.

10 Q. Okay. You mentioned the second reason  
11 in the permit denial, that you had asked for  
12 something outside the hours. And you had  
13 mentioned this e-mail that you sent purporting to  
14 resubmit your application to comport with Lee  
15 Park's -- and by Lee Park you mean Emancipation  
16 Park; is that correct?

17 A. I refer to it as Lee Park.

18 Q. Yeah.

19 A. But it's also called Emancipation Park.

20 Q. Okay. To comport with Lee Park's  
21 standard hours of operation. Do you recall  
22 sending that e-mail?

23 A. Yes.

24 Q. Did you in fact submit an application  
25 stating new hours?

1 A. I sent that e-mail.

2 Q. You sent that e-mail. So, is the  
3 answer to my question no, you did not submit an  
4 application with new hours?

5 A. I didn't.

6 Q. You did not.

7 And, in fact, you say -- it says in the  
8 motion here, "It's technically true that  
9 Mr. Kessler did not file an amended application."  
10 Does technically true mean true?

11

12 (Outside interruption)

13

14 A. I did not physically put in another  
15 application, but I did indicate in the e-mail that  
16 I was effectively resubmitting the application  
17 with the amended hours.

18 Q. Okay. And what hours were stated in  
19 that e-mail?

20 A. After 1:00 p.m. when the park opens on  
21 Sunday.

22 Q. Did it say that in the e-mail?

23 A. Yes.

24 Q. Did it say after 1:00 p.m.?

25 A. Yes.

1 year. Do you have anything in your complaint of  
2 any statements made after August 12th, 2017?

3 A. Yeah. I think most of those statements  
4 were after August 12th, 2017.

5 Q. Do you have anything in your  
6 complaint -- well, no, no, no. Let's take a look.

7 Okay. I'm going to read from paragraph  
8 24 of your complaint. "On June 21, 2017, Former  
9 Mayor Signer called it sick message, racist, and  
10 bigotous." That's June 21st, 2017.

11 You got something from Bellamy on  
12 August 2, 2017.

13 Do you recall anything else in your  
14 complaint where you are alleging viewpoint  
15 discrimination, evidence of viewpoint  
16 discrimination from the City after August 12th,  
17 2017?

18 A. Yes. We attached several news articles  
19 with statements from Wes Bellamy after -- while  
20 Tim Heaphy was giving his report where he said how  
21 do we stop the Nazis from coming back. We  
22 attached a report from Councilor Szakos sometime  
23 after the August demonstration, saying that the  
24 content of my message borders on hate speech.

25 Q. Okay.

1 A. Not that I'm aware of.

2 Q. Were you initiated into it?

3 A. I was initiated into a Proud Boys  
4 group, not a Charlottesville chapter.

5 Q. Okay. What affiliation did the group  
6 that you were initiated into have?

7 A. They were people from all over the  
8 place, most likely Virginia, Maryland, eastern  
9 seaboard.

10 Q. And what did the initiation involve?

11 A. They would punch me until I could name  
12 10 breakfast cereals.

13 Q. Ten?

14 A. I think it was 10. I don't recall the  
15 number.

16 Q. Okay. Did you succeed?

17 A. Yes.

18 Q. Good. And how long were you with the  
19 group?

20 A. Not very long.

21 Q. Couple months?

22 A. Just a matter of months.

23 Q. And why did you leave the group?

24 A. I didn't leave the group, it was just  
25 the political controversy surrounding me caused

1       the leader of the group to disavow me.

2           Q.     Okay. Who is that?

3           A.     Gavin McInnes.

4           Q.     And do you recall what he said when he  
5       disavowed you?

6           A.     No.

7           Q.     Okay. But you said this was a  
8       conservative values western heritage group?

9           A.     Yes.

10          Q.     So, did they disagree with your  
11       political views?

12          A.     I don't know.

13          Q.     Did Mr. McInnes say anything when he  
14       said he was disavowing himself from you?

15          A.     I think he was just concerned about the  
16       media coverage surrounding Unite the Right.

17          Q.     So, when was it that he disavowed you?

18          A.     I guess it was after the event.

19          Q.     Well, you guess. Do you know?

20          A.     I don't recall when the first time was.  
21       I remember that he put out some statements against  
22       me after August 12th.

23          Q.     Okay. Do you recall what was in those  
24       statements?

25          A.     No.

1 Q. Do you know if he's a Milwaukee Braves  
2 fan?

3 A. No, I don't know.

4 Q. Okay. He says, "Now what are we going  
5 to do about this outrage?"

6 What was your response to him?

7 A. I don't know.

8 Q. And this was on Gab AI?

9 A. Yes.

10 Q. Was this provided to us in discovery?

11 A. No.

12 Q. Okay.

13 MR. LONGSTRETH: I would like to mark  
14 this as Defendants' 26, I guess it's going to  
15 be.

16

17 (Defendants' Exhibit 26 marked for  
18 identification)

19

20 BY MR. LONGSTRETH:

21 Q. Do you recognize this?

22 A. Yes.

23 Q. What is it?

24 A. Discord logs.

25 Q. And MadDimension is you?

1 A. Yes.

2 Q. And what is hashtag beltway bigots?

3 A. I don't know, some joke group.

4 Q. Is that a group you are part of?

5 A. No.

6 Q. Why does the hashtag appear next to  
7 your name there, or your handle?

8 A. I think I commented in that group.

9 Q. Okay. And somebody is asking about  
10 sitting in on an Antifa meeting. Do you see that?

11 A. Oh, yeah.

12 Q. Right on top.

13 A. Right.

14 Q. And then you respond, "This is the kind  
15 of intel operation which could really" -- what's  
16 BTFO mean?

17 A. Blow the fuck out.

18 Q. Oh. "If we record them saying anything  
19 we can use against them."

20 A. Yes.

21 Q. So, what are you trying to record them  
22 saying that you can use against them?

23 A. Record them talking about violence.

24 Q. Okay. And then what were you going to  
25 do with that?

1 of what is in it.

2 Q. Okay.

3 MR. LONGSTRETH: Can I have this marked  
4 as exhibit next.

5

6 (Defendants' Exhibit 27 marked for  
7 identification)

8

9 BY MR. LONGSTRETH:

10 Q. Okay. Do you know what this is?

11 A. Discord.

12 Q. And MadDimension again is you?

13 A. Yes.

14 Q. Okay. This starts with, "The second  
15 rule of far-right fight club," which we talked  
16 about before.

17 A. Uh-huh.

18 Q. I guess we have that in it's native  
19 habitat. Okay.

20 A. This is not in context. The context  
21 showed the article that it was associated with.  
22 So, I was just repeating the title of that  
23 article.

24 Q. I understand. Okay. And then the  
25 next -- and the rest of the MadDimension comments

1       that, you didn't go to a rally or a revival or  
2       have a spiritual leader or adviser or anything?

3           A.     No.

4           Q.     Okay. Then there's reference to the  
5       Facebook event page, and that was for the UTR 1  
6       rally; is that correct?

7           A.     Yes.

8           Q.     It says, "Lots of normie Confederates  
9       and alt-light."

10          A.     Uh-huh.

11          Q.     What does that mean?

12          A.     Just there are other groups on the  
13       right-wing political spectrum.

14          Q.     Okay. And you are encouraging people  
15       to use anonymous accounts, and your statement is  
16       that because they might be concerned about doxing?

17          A.     Yes.

18          Q.     In other words, getting some kind of  
19       blowback for their views?

20          A.     Yes.

21                   MR. LONGSTRETH: Here is 30.

22

23                   (Defendants' Exhibit 30 marked for  
24       identification)

25

1 BY MR. LONGSTRETH:

2 Q. Okay. Again, just asking you, and I  
3 apologize, there's often a point in any deposition  
4 where we get into sort of the document part of it.  
5 So, I see you trying to stay awake. We will try  
6 to get through it as soon as we can.

7 Can you tell me what this is?

8 A. Discord.

9 Q. Okay. And again, MadDimension, these  
10 MadDimension posts are all yours?

11 A. Yes.

12 Q. Okay. I'm curious, a lot of times when  
13 you have these forums, you will post something and  
14 then there will be responses.

15 A. Uh-huh.

16 Q. Here we just have -- and this is what I  
17 was kind of talking about before. Here we just  
18 have your posts but we don't have anybody  
19 responding or commenting back. Is there some  
20 reason we only have your posts and not any  
21 responses?

22 A. That's the only way that I have that  
23 it's preserved.

24 Q. Okay. So, what you are saying is --  
25 what you are saying is you can't go back to the

1 see that?

2 A. Yes.

3 Q. What does that mean?

4 A. It was a suggestion that we try and, I  
5 don't know, provide them with a distraction so  
6 that they wouldn't confront us.

7

8 (Defendants' Exhibit 32 marked for  
9 identification)

10

11 Q. Do you know what this is?

12 A. It looks like a Facebook post.

13 Q. Okay. And do you know who Jason  
14 Kessler bodyslam is?

15 A. That's me.

16 Q. That's you, okay. Bodyslam, okay. It  
17 says -- and who is Kaine?

18 A. Tim Kaine.

19 Q. Okay. And then is this Hannah Zarski  
20 the woman you mentioned earlier?

21 A. Yes.

22 Q. Okay. You see this says, "Posted this  
23 amongst some 3 percent groups." Do you see that?

24 A. Yes.

25 Q. Who are the 3 percent? What are the

## 1            3 percent groups?

2 A. That's militia.

3 Q. Okay.

4

5 (Defendants' Exhibit 33 marked for  
6 identification)

7

8           Q.        Okay. Again, this is a collection of  
9       Discord messages from you?

10 A. Yes.

11 Q. Okay.

12 MR. LONGSTRETH: We have got Dx 34.

13

14 (Defendants' Exhibit 34 marked for  
15 identification)

16

17 BY MR. LONGSTRETH:

18 Q. I would just like to ask you if you  
19 have seen this before.

20 A. I have.

21 Q. What is it?

22 A. It's a Facebook post.

Q. And do you know who Ludovici Alibi is?

24 A. He's a guy named Louis Bellino.

25 Q. How do you spell it?

1 A. B-E-L-L-I-N-O.

2 Q. Okay. How do you know him?

3 A. Since he made this post, I have become  
4 concerned and have looked into him.

5 Q. Okay. What did you discover?

6 A. That his name is Louis Bellino.

7 Q. Did you find anything else out about  
8 him?

9 A. He lives in Friendship, New York.

10 Q. And what else?

11 A. Nothing else yet. Doing a background  
12 check on him.

13 Q. Okay. And what is the Atomwaffen  
14 Division?

15 A. It's a neo-Nazi group.

16 Q. Okay. Where are they based?

17 A. I don't know.

18 Q. Do you know if he is involved with  
19 them?

20 A. I don't know.

21 Q. You don't know?

22 A. No.

23 Q. Okay. And where was this posted?

24 A. On his Facebook page.

25 Q. On his Facebook page?

1 A. Yes.

2 Q. And how did it come to your attention?

3 A. A left-wing group had publicized this  
4 and then it was reported in the paper.

5 Q. Okay. So then it came to your  
6 attention that way?

7 A. Yes.

8 Q. Have you spoken with Mr. Bellino?

9 A. After I found out about this post, I  
10 told him that I was not happy about it and, yeah,  
11 expressed disagreement with this post.

12 Q. Okay. It was in a telephone  
13 conversation, e-mail exchange?

14 A. Facebook.

15 Q. Facebook, okay. And was that Facebook  
16 exchange provided to us in discovery?

17 A. No. It's only happened within the last  
18 couple days.

19 Q. Okay. So, you will supplement under  
20 the obligation to supplement your discovery  
21 responses under the rules; correct?

22 A. Okay.

23 Q. Yeah. Or at least we will request  
24 that. You can check with your lawyer, the rule is  
25 26C.

1                   And what made you concerned about the  
2 Atomwaffen, I guess it is waffen twice. What made  
3 you concerned about the Atomwaffen Waffen  
4 Division?

5                   A. Well, they have nothing to do with my  
6 event and this guy was falsely characterizing it  
7 as if he has some association with my event.

8                   Q. Okay. And did you talk to him about  
9 whether he is planning on coming to the event?

10                  A. He's not allowed to come.

11                  Q. Okay. What do you mean by he's not  
12 allowed to come?

13                  A. I've told him that I don't want him  
14 there.

15                  Q. Okay. Can you prevent him from coming  
16 if he wants to come?

17                  A. I can't. I can't restrict the movement  
18 of any citizen. He would be a  
19 counterdemonstrator.

20                  Q. Your point of view is you would take no  
21 responsibility for him, he would not be one of  
22 your people, is what you are saying.

23                  A. No. He is not one of my people. I do  
24 not agree with him.

25                  Q. Okay. And what do you disagree with in

1        particular?

2            A.      The association with this group.

3            Q.      The Atomwaffen group?

4            A.      Yes.

5            Q.      And what's wrong with that group?

6            A.      They are violent.

7            Q.      Okay. How about Rise Above Movement,  
8 do you know them?

9            A.      No.

10          Q.      Have you gotten any information that  
11 Rise Above Movement has been suggested as someone  
12 who might be involved in the protest?

13          A.      It was a comment in this Facebook  
14 thread.

15          Q.      Comment in this Facebook thread. Did  
16 you follow up with the Rise Above Movement people?

17          A.      No.

18          Q.      Do you know who they are?

19          A.      Not really.

20          Q.      What do you mean not really?

21          A.      They are in California, but I don't  
22 really know anything else about them.

23          Q.      Do you know Henry Baxley?

24          A.      No.

25          Q.      Do you know Irene Ficklestein?

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1 A. No.

2 Q. Do you know if those are real names?

3 A. No.

4 Q. Okay.

5 MR. LONGSTRETH: I'll mark it so we  
6 know what we are talking about.

7

8 (Defendants' Exhibit 35 marked for  
9 identification)

10

11 BY MR. LONGSTRETH:

12 Q. You can look through that if you want  
13 if it gives you any more information about it.

14 MR. LONGSTRETH: Okay. Now I've got Dx  
15 36. Just mark this for identification.

16

17 (Defendants' Exhibit 36 marked for  
18 identification)

19

20 BY MR. LONGSTRETH:

21 Q. It's just some background information  
22 on Rise Above Movement. I just want to turn your  
23 attention to the last page of the exhibit, it  
24 says, "Charlottesville, Virginia, August 2017:  
25 R.A.M. members attended the 'Unite the Right'

1 rally and contributed to the violence against  
2 counterprotesters." Do you see that?

3 A. I see where it says that.

4 Q. Do you have any knowledge concerning  
5 that?

6 A. No.

7 Q. If you look at the first page, it says  
8 "R.A.M. operates like a street-fighting club.  
9 Members actively train to do physical battle with  
10 their ideological foes, and have been involved in  
11 violent clashes during political rallies and  
12 demonstrations." Do you see that?

13 A. Yes.

14 Q. And, I mean, I think we talked about  
15 this before, but there have been, I think you  
16 mentioned Portland, you mentioned Berkeley, there  
17 have been various locations where there have been  
18 these battles between ideological foes. Are you  
19 aware of that?

20 A. Yes.

21 Q. If you just look at page two, the  
22 second page of it, they are not marked, but it's  
23 the second page, it says, "The main task of The  
24 Rise Above Movement is to revive the spirit of a  
25 warrior and see the rebirth of values of Western

1 BY MR. LONGSTRETH:

2 Q. Is this another document from the  
3 Discord server with comments from you?

4 A. Yes.

5 Q. And these are your comments?

6 A. Yes.

7 Q. Okay.

8 MR. LONGSTRETH: Thirty-nine.

9

10 (Defendants' Exhibit 39 marked for  
11 identification)

12

13 BY MR. LONGSTRETH:

14 Q. Is this another -- are these more  
15 comments from the Discord server that are your  
16 comments, Mr. Kessler?

17 A. Yes.

18 Q. Where it says, "Avoid open carry.  
19 Concealed carry is fine," why did you state that?

20 A. Because I didn't want them to scare  
21 people by open carrying.

22 Q. Okay.

23 MR. LONGSTRETH: Then here is 40.

24

25 (Defendants' Exhibit 40 marked for

1 identification)

2

3 BY MR. LONGSTRETH:

4 Q. Okay. Is this, again, Discord server  
5 comments that are yours?

6 A. Yes.

7 Q. These are all yours?

8 A. Yes.

9 Q. Okay. For the UTR 2, the rally that  
10 you are seeking the permit for in August 2018, do  
11 you plan to have your own security again?

12 A. I plan to have my friends watching my  
13 back.

14 Q. Okay. Which friends?

15 A. My friend Dave.

16 Q. Okay. Is he somebody local here?

17 A. He's a Virginian.

18 Q. Virginian. Was he at the last rally?

19 A. Yes.

20 Q. Was he one of the five people who  
21 was -- you mentioned who was surrounding you at  
22 the last rally?

23 A. No.

24 Q. So, anybody else that you have talked  
25 to about providing some kind of security for your

1 Q. Okay. If you are unsuccessful in this  
2 litigation and the City is not forced to grant you  
3 a permit, what are your plans?

4 A. I'm going to go to Washington, D.C. and  
5 do a demonstration there.

6 Q. Okay. And what is your current status,  
7 you have a permit application that you filed with  
8 the Park Service?

9 A. Yes.

10 Q. And that got some press last week and  
11 you sent some of that around. What is your  
12 current status with the Park Service?

13 A. It was granted.

14 Q. It was granted?

15 A. Yes.

16 Q. So, the permit has been granted?

17 A. Yes.

18 Q. Okay. There's been some news reports  
19 differentiating between an initial approval of the  
20 permit and the actual grant of a permit. Is your  
21 understanding that there's a distinction between  
22 the two?

23 A. I think those media reports  
24 misunderstand the process. The permit has been  
25 granted. The issuing just has to do with

1 A. Not that I'm aware of.

2 Q. Do you plan on having some kind of  
3 rally here in Charlottesville on August 11th and  
4 12th even if you do not get a permit?

5 A. No.

6 Q. Okay.

7 MR. LONGSTRETH: I have another  
8 document I would like to mark as...

9

10 (Defendants' Exhibit 41 marked for  
11 identification)

12

13 BY MR. LONGSTRETH:

14 Q. Okay. Do you recognize this document?

15 A. Yes.

16 Q. And what is it?

17 A. It's a document written by Elliott  
18 Kline.

19 Q. Okay. And did you receive a copy of it  
20 at or about the time it was written?

21 A. Yes.

22 Q. And does it -- 8/1/2017 is the date.  
23 Is that about the time you recall getting it?

24 A. Yes.

25 Q. About 10, 12 days out before the

1 other attendees. Another version will be released  
2 to them.

3 Do you know who else got this 2.0  
4 version?

5 A. No.

6 Q. You don't know. Do you know if this  
7 document, Dx 41, was shared with law enforcement?

8 A. No, I don't know.

9 Q. You don't know.

10 MR. LONGSTRETH: And I've got another  
11 here that is 42.

12

13 (Defendants' Exhibit 42 marked for  
14 identification)

15

16 BY MR. LONGSTRETH:

17 Q. And again, do you recognize this  
18 document?

19 A. Yes.

20 Q. And was this the document that was sent  
21 to attendees or was it also sent to some smaller  
22 group of leaders?

23 A. I don't know.

24 Q. Do you know what the "extremely vetted  
25 circles" are that he is referring to here in the

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1 like Mr. Rotter to you?

2 A. Yes.

3 Q. It is, okay. And then down in the left  
4 hand corner, is that him again?

5 A. It looks like it.

6 Q. Okay.

7 MR. LONGSTRETH: I'm just going to mark  
8 this 50.

9

10 (Defendants' Exhibit 50 marked for  
11 identification)

12

13 BY MR. LONGSTRETH:

14 Q. Are these -- do you recognize these as  
15 your responses to the interrogatories and document  
16 request?

17 A. Yes.

18 Q. And that's your verification on the  
19 back page?

20 A. Yes.

21 Q. Okay. We have asked you -- we asked at  
22 first if you had communications with various  
23 people, we mentioned Marcus Boechat, you said you  
24 didn't recall any communication with any of the  
25 individuals, with the exception of Brian Lambert.

1 A. No.

2 Q. Okay. The Loyal White Knights of the  
3 Ku Klux Klan, Chris and Amanda Barker.

4 A. I don't think they are coming.

5 Q. Don't think so. Have you talked to  
6 them?

7 A. No.

8 Q. East Coast Knights of the Ku Klux Klan.

9 A. I have no knowledge.

10 Q. Okay.

11 MR. LONGSTRETH: I have another exhibit  
12 that I would like to mark as 52.

13

14 (Defendants' Exhibit 52 marked for  
15 identification)

16

17 BY MR. LONGSTRETH:

18 Q. Have you seen this article before?

19 A. A long time ago.

20 Q. A long time ago, okay. And are you the  
21 local blogger that's mentioned in the article?

22 A. I guess he is referring to me.

23 Q. Okay. And the allegation is that you  
24 were using somebody else's name in the Bellamy  
25 petition.

1 A. Uh-huh.

2 Q. Is that the case?

3 A. I don't recall doing that.

4 Q. You don't recall doing it?

5 A. I don't recall.

6 Q. Okay. So, you are saying it's  
7 something you might have done, but you were saying  
8 earlier there's some things that you do and don't  
9 recall doing?

10 A. I don't recall.

11 Q. You just don't recall. So, you are not  
12 saying you didn't do it, you are just saying you  
13 don't recall doing it?

14 A. I don't recall.

15 Q. Okay. There's a -- if you look at the  
16 comment pages 5 of 7, there's comments that is  
17 something from the Daily Progress.

18 A. Uh-huh.

19 Q. It says, "Over the phone Wednesday,  
20 Kessler said there had been some people  
21 questioning the validity of his petition and  
22 whether the growing number of signatures was  
23 legitimate. He said he was 'shy' about putting  
24 his name out there, but later chose to attach his  
25 real name to the petition so that he could

1       'promote it more publicly.' "

2                          Do you see that?

3       A.     Yes.

4       Q.     Do you recall having that conversation  
5                          with somebody from the Daily Progress?

6       A.     It's been a long time, I don't recall.

7       Q.     You don't recall. "Angela Morabito,  
8                          senior campaign organizer for StandUnited, said in  
9                          an e-mail that Kessler initially had decided to  
10                         use a different identity on the website."

11      A.     Uh-huh.

12      Q.     Okay. Do you know who Angela Morabito  
13                          is?

14      A.     The article says senior campaign  
15                          organizer for StandUnited.

16      Q.     And who is StandUnited -- well, I mean,  
17                          that's what it says. Do you know her  
18                          independently of this article to be that person or  
19                          some other person?

20      A.     I think I spoke with her about the  
21                          petition.

22      Q.     Okay. What is StandUnited?

23      A.     It's a petition website.

24      Q.     Okay. Do they -- are they on one side  
25                          or the other politically or are they just an open

#### ACKNOWLEDGMENT OF DEPOSITOR

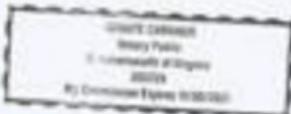
I, Jason Kessler, do hereby certify  
that I have read the foregoing pages 1 to 227  
and that the same is a correct transcription of  
the answers given by me to the questions therein  
propounded, except for the corrections or changes  
in form or substance, if any, noted in the  
attached Errata Sheet.

DATE SIGNATURE

Submitted and sworn to before me this

20 day of June  
~~2015~~ 2015

My commission expires: Nov 30, 2021



Nelson's Trade

# **EXHIBIT 13**

Exhibit 13 is a redacted copy of Jason Kessler's application for the position of recreation aide at the City of Charlottesville's Carver Center dated February 2, 2014.



Dan Carpenter

[Post](#)    [Approvals](#)    [Admin](#)
**Candidate Application**[Back to Referred List](#)Hired : 

Application 4 of 4

[« Previous Applicant](#) | [Next Applicant »](#)[Print View](#)**131100007 - Recreation Aide: Carver Center****Contact Information -- Person ID: 18332723**

Name:	Jason Kessler	Address:	1013 B Altavista Ave Charlottesville, Virginia 22902
Home Phone:		Alternate Phone:	
Email:	<a href="mailto:jekvertigo@gmail.com">jekvertigo@gmail.com</a>	Notification Preference:	Email
Former Last Name:		Month and Day of Birth:	

**Personal Information**

Driver's License:	Yes, Virginia , T61211558 , Class A CDL
Can you, after employment, submit proof of your legal right to work in the United States?	Yes
What is your highest level of education?	Bachelor's Degree

**Preferences**

Preferred Salary:	\$10.50 per hour;
Are you willing to relocate?	No
Types of positions you will accept:	Regular , Temporary , Seasonal
Types of work you will accept:	Full Time , Part Time
Types of shifts you will accept:	Day , Evening , Night , Weekends

**Objective**

I want to work in the Carver Recreation Center. I use this gym all the time and know the people there. I've also used Smith Aquatic and I will work there too but would prefer to be transferred if a position opens up at Carver.

**Education**

<b>College</b>	Did you graduate: Yes
<i>University of Virginia</i>	College Major/Minor: Psychology
9/2007 - 5/2009	Degree Received: Bachelor's
Charlottesville, Virginia	

**College**

<i>Piedmont Virginia Community College</i>	Did you graduate: Yes
9/2005 - 5/2007	College Major/Minor:
Charlottesville, Virginia	Degree Received: Associate's

**Work Experience**

<b>Team Lead</b>	Hours worked per week: 45
4/2012 - 9/2012	Monthly Salary: \$0.00
Relay Foods	May we contact this employer? No

Charlottesville, Virginia

**Duties**

- Supervised a motivated crew for local start-up
- Created and updated job performance and sales metrics using Microsoft Excel and Word
- Shopped and sorted groceries for delivery to homes of online customers
- Edited and maintained a database of shopped and unavailable items

**Associate**

9/2000 - 8/2010	Hours worked per week: 30
Cooper and Secretst Associates	Monthly Salary: \$0.00
Charlottesville, Virginia	<i>[Redacted]</i>
	May we contact this employer? No

**Duties**

Making phone calls on the telephone and conducting political surveys.

**Reason for Leaving**

They went out of business.

**DEFENDANT'S EXHIBIT**  
*13*  
*6-27-18 RO*

**Peer Support Specialist**  
3/2005 - 12/2006On Our Own of Charlottesville  
Charlottesville, VirginiaHours worked per week: 30  
Monthly Salary: \$0.00  
May we contact this employer? No**Duties**

- Conducted intake for new clients, determining what services and referrals would most benefit new clients.
- Listen to the issues important to mental health consumers.
- Supervised center during the daytime.
- Facilitated weekly group meetings and soup kitchens.

**Certificates and Licenses****Skills**

Office Skills

Typing:

Data Entry:

**Additional Information****References**

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Personal**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Resume****Text Resume**

Jason Kessler  
1013 B. Altavista Ave@Charlottesville, Va@(434) 996-5567  
Jek8d@virginia.edu

**Education**

Graduated May 2009 B.A. In Psychology from the University of Virginia  
Graduated May 2007 Associate of Arts from Piedmont Virginia Community College  
2002-2005 Film/Photography Major at Virginia Commonwealth University

**Experience**

- Team Lead, RelayFoods.com Charlottesville, Va Apr 2012-Sept 2012  
-Supervised and motivated employees  
-Shopped and sorted groceries for delivery to homes of online customers  
-Edited and maintained a database of inventory
- Peer Support Specialist, On Our Own , Charlottesville, Va March 2005-December 2006  
-Conducted intake for new clients, determining what services and referrals would most benefit new clients.  
-Listen to the issues important to mental health consumers.  
-Supervised center during the daytime.  
-Facilitated weekly group meetings and soup kitchens.
- Associate, Cooper & Secrett Associates Charlottesville, Va Sept 2002-Apr 2012  
-Data entry of sensitive political opinion data  
-Provided courteous service while screening important information from participants.

**References**

Tavia Hilton Employee Co-Worker (434) 996-5567  
Diana Diallo Co-Worker (434) 996-5568

**Attachments****Agency-Wide Questions**

1. Q: Are you 18 or older?

A: Yes

2. Q: Have you ever been convicted of a felony?

A: No

3. Q: If yes, briefly describe the offense, and also provide documentation of the conviction, which includes the state where the offense occurred. Also provide a copy of your state criminal history record. Note: a conviction does not

automatically mean that you cannot be employed. The nature of the offense and when it occurred will be considered. A record check will be run to verify your information.

A:

4. Q: Please indicate if any of the following family members are currently working for the City of Charlottesville.

A: None

5. Q: Please provide name(s) of family member(s)

A:

6. Q: Have you ever been refused employment with the City of Charlottesville due to the results of a pre-employment drug screening?

A: No

#### Supplemental Questions

1. Q: Do you have a high school diploma or GED equivalency?

A: Yes

2. Q: Please briefly describe any experience you have in customer service. If none, please enter "N/A".

A: I have worked customer service over several years at 7/11 and also at On Our Own, a community mental health resource center.

3. Q: Do you have at least three months' work experience supervising participants in a recreation or similar environment?

A: Yes

4. Q: Please briefly describe your experience related to the operations of a recreation center, community center, or equivalent facility. If none, please enter "N/A".

A: I worked for a year at the front desk of a mental health community center called On Our Own where I conducted intake for new members, kept the facility clean, and informed clients about all the services available to them.

5. Q: I certify that the information above is true and correct, and I certify that it can be verified with reference to the information in my basic application. I understand that my application may be rejected if the responses to supplemental questions do not match my basic application.

A: Yes

[« Previous Applicant](#) | [Next Applicant »](#)

Hired :

[Company Information](#) | [Privacy Policy](#) | [Legal Terms](#)

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# **EXHIBIT 14**

Exhibit 14 is a screenshot of a message posted on Twitter by Richard Spencer on August 18, 2017 and a message posted by Jason Kessler about Heather Heyer to which Mr. Spencer was responding. It also includes an article in “The Cavalier Daily” that reproduces messages Jason Kessler posed on Twitter blaming medication for his tweet about Ms. Heyer.

https://twitter.com/RichardSpencer/status/891

Richard DSpencer on Twitter

File Edit View Favorites Tools Help  
Convert Select

Find: more option Previous Next Options

Home Moments @RichardSpencer

Richard Spencer Follow

"I will no longer ass...

Top Latest People Photos

Search filters Hide

From anyone Anywhere All languages Quality filter on Advanced search

Who to follow Refresh View all

Noble Datum @Noble\_Da... Follow Promoted

Ryan [Giving Away ETH f... Follow

Meltem Demiroz @Melt\_... Follow

Find people you know Import your contacts from Gmail

Connect other address books

I will no longer associate w/ Jason Kessler; no one should. Heyer's death was deeply saddening. "Payback" is a morally reprehensible idea.

Jason Kessler @TheMadDimension

Heather Heyer was a fat, disgusting Communist. Communists have killed 94 million. Looks like it was payback time.

dailystormer.lol/heather-heyer-...

8/18/17, 11:25 PM

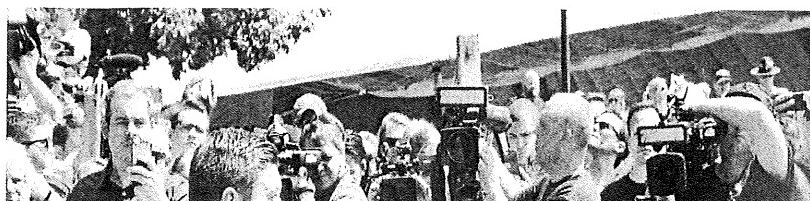
2 Retweets 13 Likes

350 402 1.3K

402 Retweets 1,322 likes

DEFENDANT'S EXHIBIT  
14  
6-27-18 P





Jason Kessler attempted to hold a press conference Aug. 13, but it lasted only a few minutes before the scene turned into chaos and Kessler was punched in the face by a counter protester.

Anna Higgins (<http://www.cavalierdaily.com/staff/anna-higgins>) | Cavalier Daily

In the early hours of Saturday morning, “Unite the Right” organizer and pro-white activist Jason Kessler described the death of 32-year-old Heather Heyer in last weekend’s fatal car attack in downtown Charlottesville as “payback time.”

Kessler described Heyer as a “fat, disgusting Communist” and linked to a crude article about Heyer’s death on the neo-Nazi website The Daily Stormer.



Jason Kessler

@TheMadDimension

Follow

Heather Heyer was a fat, disgusting Communist. Communists have killed 94 million. Looks like it was payback time.

[dailystormer.lol/heather-heyer- ...](#)

12:25 AM - 19 Aug 2017

38 Retweets 99 Likes



263

11 38

99

2

Heyer was killed and 19 others were injured Aug. 12 when a Dodge Challenger plowed through a crowd of people off the Downtown Mall who were protesting the white nationalist **“Unite the Right” rally** (<http://www.cavalierdaily.com/article/2017/08/unite-the-right-rally-protests-in-downtown-charlottesville-turns-deadly>). Police have since arrested James Alex Fields Jr., a 20-year-old Ohio man who has been charged with second-degree murder and several other felony charges.



# THE CAVALIER DAILY (/)

(<http://www.facebook.com/CavalierDaily>) (<https://twitter.com/cavalierdaily>) (<https://instagram.com/cavalierdaily/>)  
(<http://www.youtube.com/user/CavalierDaily>)

News (/section/news) | Sports (/section/sports) | Opinion (/section/opinion) | Life (/section/life) |  
A&E (/section/arts-and-entertainment) | Focus (/section/focus) | H&S (/section/health-and-science) | Humor (/section/humor) |  
Photo (/multimedia) | Magazine (<http://www.abcdmag.com/>) | About (/page/about) | Translation | (/search/?a=1) |

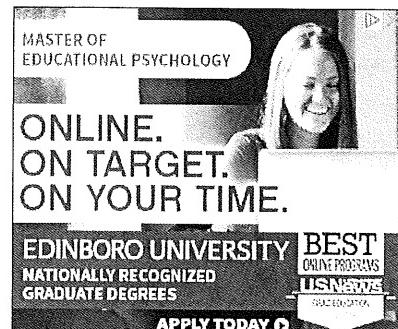
## NEWS

### After crude tweet about Heather Heyer, Jason Kessler deletes Twitter account

'Unite the Right' organizer appears to blame medication, alcohol for describing car attack victim's death as 'payback time'

By Tim Dodson (<http://www.cavalierdaily.com/staff/tim-dodson>) | 08/21/2017

(HTTP://WWW.FACEBOOK.COM/SHARER.PHP?  
U=HTTP://WWW.CAVALIERDAILY.COM/ARTICLE/2017/08/KESSLER-DELETES-  
TWITTER-AFTER-HEYER-TWEET] | (HTTP://TWITTER.COMSHARE?  
TEXT=AFTER CRUDE TWEET ABOUT HEATHER HEYER, JASON KESSLER DELETES  
TWITTER ACCOUNT ) | (HTTPS://PLUS.GOOGLE.COMSHARE?  
URL=HTTP://WWW.CAVALIERDAILY.COM/ARTICLE/2017/08/KESSLER-DELETES-  
TWITTER-AFTER-HEYER-TWEET) | (MAILTO:?SUBJECT=AFTER CRUDE TWEET  
ABOUT HEATHER HEYER, JASON KESSLER DELETES TWITTER ACCOUNT  
&BODY=HI%20THERE,%0D%0ACHECK%20OUT%20THIS%20ARTICLE%20ON%  
20THE%20CAVALIER%20DAILY%20-%  
20HTTP://WWW.CAVALIERDAILY.COM/ARTICLE/2017/08/KESSLER-DELETES-  
TWITTER-AFTER-HEYER-TWEET)]



Tim Dodson

Hours after tweeting about Heyer, Kessler deleted the tweet and then claimed in a subsequent tweet that he was hacked — which he also then deleted. The series of tweets culminated in Kessler deleting his Twitter account at around noon Saturday. Shortly before his account went offline, he tweeted that he had been drinking the previous night and was also taking Ambien and Xanax, which are a sedative and an anti-anxiety medication, respectively.



Jason Kessler  
@TheMadDimension

Follow

1/2 I repudiate the heinous tweet that was sent from my account last night. I've been under a crushing amount of stress & death threats

10:45 AM - 19 Aug 2017

30 Retweets 63 Likes



97

30

63



Jason Kessler  
@TheMadDimension

Follow

2/2 I'm taking ambien, xanax and I had been drinking last night. I sometimes wake up having done strange things I don't remember.

10:46 AM - 19 Aug 2017

44 Retweets 64 Likes



162

44

64



"I repudiate the heinous tweet that was sent from my account last night," he tweeted, and then appeared to confess to the original tweet about Heyer a minute later when he wrote, "I sometimes wake up having done strange things I don't remember."

Kessler's tweet came just days after the Charlottesville community came together to mourn Heyer at a memorial service at the Paramount Theater, where her mother, Susan Bro, **delivered a speech (<http://www.cavalierdaily.com/article/2017/08/hundreds-gather-to-honor-car-attack-victim-heather-heyer>)** calling on people to make Heyer's death count by speaking out against injustice.

Community members also created a memorial to Heyer at the site of the crash near the intersection of Fourth Street and Water Street and hundreds of people **attended a vigil (<http://www.cavalierdaily.com/article/2017/08/hundreds-gather-to-honor-car-attack-victim-heather-heyer>)** at the memorial the day after Heyer's death.



Tim Dodson



Kessler's tweet quickly earned him the scorn of white supremacist leaders involved with the "Unite the Right" rally, such as University alumnus Richard Spencer, who tweeted he would "no longer associate" with Kessler. One of the rally's co-organizers, Eli Mosley, tweeted that he thought Kessler was "unstable."

The tweets also come at a time where Kessler has faced questions over his background as a liberal activist prior to becoming involved with far-right politics. The Daily Progress [published an article](#)

[http://www.dailypress.com/news/local/kessler-described-as-one-time-wannabe-liberal-activist/article\\_c072coao-83b8-11e7-ae17-6fb7a9eda079.html](http://www.dailypress.com/news/local/kessler-described-as-one-time-wannabe-liberal-activist/article_c072coao-83b8-11e7-ae17-6fb7a9eda079.html)

Aug. 17 that included a quote from a former girlfriend of Kessler's claiming he broke up with her because she "was not liberal enough," as well as another source describing his involvement with the Occupy Wall Street movement.

Kessler is also one of many defendants named in [a \\$3 million lawsuit filed in Charlottesville](#)

<http://www.cavalierdaily.com/article/2017/08/sisters-injured-in-car-attack-file-3-million-suit-against-fields-kessler-white-nationalists>

Circuit Court last week by two sisters who were in a car hit by the Dodge Challenger. The suit against Kessler, Fields and other white nationalists includes allegations of civil conspiracy, "committing, conspiring and aiding and abetting acts of terrorism," incitement to riot and disorderly conduct.

The suit also specifically alleges Kessler was negligent "by failing to take appropriate measures to assure that there would not be an escalation of violence" at the Aug. 12 rally.

Kessler [told Fox News](#)

<http://www.foxnews.com/us/2017/08/17/jason-kessler-charlottesville-rally-organizer-says-hes-in-hiding.html>

last week that he is currently in hiding and has received numerous death threats. He referenced these threats in his tweets Saturday, saying he is "under a crushing amount of stress."

Kessler did not return an email from The Cavalier Daily seeking

comment on the tweets.



Kessler's Twitter account was deleted around noon on Saturday.

#### RELATED STORIES



(<http://www.cavalierdaily.com/article/2018/06/devon-hall-drafted-to-nba-in-second-round-by-the-oklahoma-city-thunder>)

**Devon Hall drafted to NBA in second round by the Oklahoma City Thunder**  
(<http://www.cavalierdaily.com/article/2018/06/devon-hall-drafted-to-nba-in-second-round-by-the-oklahoma-city-thunder>)

By Ben Tobin  
(<http://www.cavalierdaily.com/staff/ben-tobin>) | 06/21/2018



(<http://www.cavalierdaily.com/article/2018/06/martese-johnson-abc-settle-lawsuit-for-250k>)

**Martese Johnson, ABC settle lawsuit for \$250K**  
(<http://www.cavalierdaily.com/article/2018/06/martese-johnson-abc-settle-lawsuit-for-250k>)

By Jake Gold  
(<http://www.cavalierdaily.com/staff/jake-gold>) | 06/20/2018

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PERMISSIONS (/PAGE/PERMISSIONS) DONATE (/PAGE/DONATE) FACULTY SALARIES  
(HTTP://WWW.CAVALIERDAILY.COM/PAGE/FACULTY-SALARIES-2015-2016) TIPS (/PAGE/TIPS) COMMENT POLICY (/PAGE/COMMENT-POLICY)

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(/)

(<http://www.cavalierdaily.com/article/2017/08/kessler-deletes-twitter-after-heyer-tweet>)

# **EXHIBIT 18**

Exhibit 18 is a copy of the permit application that Plaintiff submitted on November 27, 2017 to host the event that is the subject of this litigation.

**SPECIAL EVENT APPLICATION REQUEST**  
\$25.00 Non-Refundable Application Fee Required.  
Please attach any additional info to this form.

Return to:  
Charlottesville Parks & Recreation  
P.O. Box 911  
Charlottesville, VA 22902



Pd C/c 11-27-17

**FOR OFFICIAL USE ONLY**

**Organizational Status:**

Non-Profit  Commercial  Independant  
 Maps Attached  ABC Permit Required  
 Tent Permit Required  License Verified

**INDEMNITY RELEASE**

In making this request, the applicant understands that the sponsor will hold harmless and indemnify the City, its officers, employees, and agents against injury, loss or damage occurring as a result of this special event. Sponsors of special events held on public property will be required to provide Special Event Liability Insurance in an amount not less than \$1 million dollars, naming the City of Charlottesville, its officers, officials, employees and agents as an additional insured party to the contract. For additional information regarding this requirement please contact the Charlottesville Parks & Recreation Department at 970-3260.

Sponsor(s) Name: Jason Kessler

Address: \_\_\_\_\_  
\_\_\_\_\_

Sponsor Telephone: \_\_\_\_\_

Event Contact Name: ( ) \_\_\_\_\_

Contact Address: Email: the.maddimension@gmail.com  
Email 2: jason@unityandsecurity.org

Contact Telephone: Office ( ) \_\_\_\_\_

Home ( ) \_\_\_\_\_

Cell ( ) use # on file

Jason Kessler  
APPLICANT SIGNATURE

11/27/17

DATE

DATE APPLICATION SUBMITTED: November 27, 2017

**EVENT PURPOSE / BRIEF DESCRIPTION:**

Rally against government civil rights abuse and failure to follow security plans for political dissidents  
- We are opposing any changes to Lee (Emancipation) Park and memorializing the sacrifices made by political dissidents in Lee Park August 12th, 2017



Date Application Received By P&R

***Exhibit R***

IDENTIFY EVENT CATEGORY:  CARNIVAL  DEMONSTRATION  FAIR  FESTIVAL  
 FUNDRAISER  HISTORICAL CELEBRATION  MARATHON  
 RACE/WALK  PARADE  OTHER (Describe Other) \_\_\_\_\_

EVENT VENUE & LOCATION REQUESTED: Lee (Emancipation) Park

LIST RACE/WALK STREET ROUTES, IF APPLICABLE (A clear & legible map showing walk/run routes also requested  
-Please attach map to application):

STREET CLOSING REQUESTED, IF SO INCLUDE LOCATIONS AND CLOSING /OPENING TIME(S):  YES  NO  
LOCATION(S): \_\_\_\_\_

CLOSING DATE(S) \_\_\_\_\_ CLOSING/OPENING TIME(S): FROM \_\_\_\_\_ am/pm UNTIL: \_\_\_\_\_ am/pm

Day 1: Saturday 8/11/18 7am Day 1: Saturday 8/11/18 11pm  
(WEEKDAY) (DATE) (TIME) (WEEKDAY) (DATE) (TIME)  
Day 2: Sunday 8/12/18 7am Day 2: Sunday 8/12/18 11pm  
(WEEKDAY) (DATE) (TIME) (WEEKDAY) (DATE) (TIME)  
Day 2: Sunday 8/12/18 6am Day 2: Sunday 8/12/18 6am  
(WEEKDAY) (DATE) (TIME) (WEEKDAY) (DATE) (TIME)

EVENT BREAKDOWN DATE/TIME (INCLUDE WEEKDAY):  
(WEEKDAY) (DATE) (TIME)  
EVENT TRAIN DATE REQUESTED:  YES  NO DATE REQUESTED:  
(WEEKDAY) (DATE)

ESTIMATED # PARTICIPANTS: 400 WILL AMPLIFIED MUSIC BE USED: YES  NO

IDENTIFY TYPE MUSICAL ENTERTAINMENT REQUESTED:  BAND  DISC-JOCKEY  OTHER

CITY UTILITIES NEEDED? YES  NO  IDENTIFY TYPE UTILITIES NEEDED, IF APPLICABLE:  
Electricity and Water

CITY EQUIPMENT REQUESTED, IS SO PLEASE IDENTIFY TYPE EQUIPMENT: YES  NO  
IF YES, IDENTIFY TYPE EQUIPMENT REQUESTED: \_\_\_\_\_

OTHER CITY SERVICES REQUESTED  YES  NO

(Please identify the area of services needed including staff assistance if applicable):

Police that show up and keep opposing sides separate; leave demonstrators a clear path into event without threat of violence

***Exhibit C***

# **EXHIBIT 26**

Exhibit 26 is a screenshot of certain messages that Plaintiff posted on the “Charlottesville 2.0” server on the Discord platform on July 16-17, 2017, and a document entitled “Shields and Shield Tactics Primer” that was attached to a message Plaintiff posted on July 16, 2017 at 5:37 p.m.

Jul 16, 2017 03:29:55 PM

@everyone Do y'all have a few people you could send to sit in on this Antifa meeting? Recording it would be awesome since they will no doubt talk about violence.<br><br> <https://www.facebook.com/events/1318520748245350/>

MadDimension #beltway\_bigots [server: Charlottesville 2.0] view  
Jul 16, 2017 03:40:44 PM

<@284182937245843456> Don't forget. This is the kind of intel operation which could really BTFO them if we record them saying anything we can use against them

MadDimension #announcements [server: Charlottesville 2.0] view  
Jul 16, 2017 04:25:15 PM

@everyone If you have a smartphone make sure you document everything at the rally. Antifa has enlisted the help of the ACLU and National Lawyers Guild to document for them. We want every act of criminality by Antifa captured on video. Since we don't have the same institutional allies we need to do this stuff ourselves.

MadDimension #announcements [server: Charlottesville 2.0] view  
Jul 16, 2017 04:25:22 PM

MadDimension #antifa\_watch [server: Charlottesville 2.0] view  
Jul 16, 2017 04:26:59 PM

<@305749228859424769> Yes

MadDimension #demonstration\_tactics [server: Charlottesville 2.0] view  
Jul 16, 2017 05:37:22 PM

@everyone This is a general call for people to help with general event security. For the rally in Lee Park, we will be forming a large shield wall around the speakers. The DRW right now are forming the bulk of the wall. The more people we get however, the larger and more effective we can become. If anybody has any interest in being part of a highly organized defense against the Antifa that are sure to com



e, please message <@252517965319110656>, or post in <#321395356216590347>. The attached document has all of the information needed to become familiar with what we will be doing.



**MadDimension** #demonstration\_tactics [server: Charlottesville 2.0] [view](#)  
Jul 16, 2017 05:37:31 PM

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jul 16, 2017 06:36:14 PM

Document them whenever they're behaving atrociously or in proximity to our people

**MadDimension** #news [server: Charlottesville 2.0] [view](#)  
Jul 17, 2017 12:05:51 AM

@everyone Nat Geo has contacted me about covering the event and requested an interview. Does anyone have experience with the political slant of this channel?

**MadDimension** #news [server: Charlottesville 2.0] [view](#)  
Jul 17, 2017 12:07:22 AM

Getting media coverage is better than being under a media blackout; the "paper curtain" as GLW called the Jewish media

**MadDimension** #news [server: Charlottesville 2.0] [view](#)  
Jul 17, 2017 12:07:46 AM

Also, neither Donald Trump or Richard Spencer would be where they are today without doing media interviews

**MadDimension** #news [server: Charlottesville 2.0] [view](#)  
Jul 17, 2017 12:09:21 AM

I like the idea of publishing interview in full

## Shields and Shield Tactics Primer

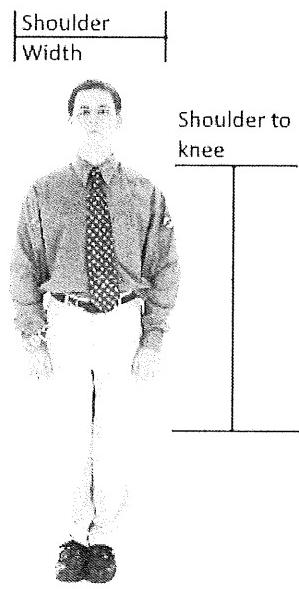
For the demonstration in Charlottesville in August, the Detroit Right Wings will all be utilizing shields as a defense against Antifa that will inevitably show up to harass us. Other groups have used shields in the past, but unless used in an organized manner, they are very ineffective. As a group, we will be employing shield wall tactics that have been tested by riot control police, and SCA and HBA fighters alike. The objective of this primer is to get everyone that is interested in joining the DRW on the same page, so that we may present a squared away force to counter whatever our enemies may throw at us during the demonstration.

In the coming month, we will be distributing an instructional video of our training to supplement this primer, but you are advised to begin instructing your various group members on the basics presented here.

Obviously to function in a shield wall, you will need a shield. We are going to be using tower shields. Smaller round shields should **NOT** be placed in the front line of a shield wall. While they are more maneuverable than tower shields, they do not provide the same level of protection. In a shield wall, your shield will almost never be moving, it will mainly be a static object protecting you from projectiles. Since it won't be moving much, proper sizing is important. The DRW will be building our own shields. It is not recommended that you purchase a riot shield off the internet. They are flimsy and won't provide the same amount of protection as something you build yourself.

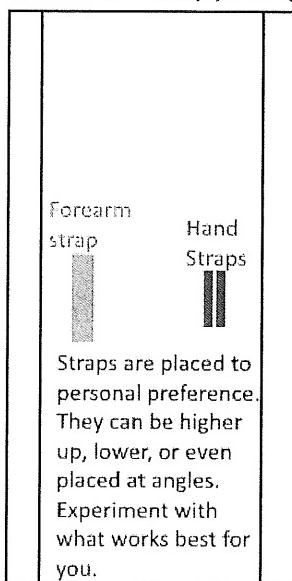
### Shield Construction:

We're using  $\frac{1}{2}$ " birch plywood. While it doesn't seem like it would stop much, keep in mind that the wooden shields that the Romans used were only 8mm thick, and Viking shields were only 7mm thick, getting thinner the further away from the center it was. I recommend purchasing a sheet of 2'x4' plywood from Home Depot, as it will fit most people with some minor adjustments.



It's important to keep in mind that shields are built to each person. No one shield is going to fit everybody. It's also important that the shield covers the areas shown above and are the proper size. You won't bitch about them being too heavy once you see how effective they are.

#### 2' x 4' x 1/2" birch plywood (as an example)

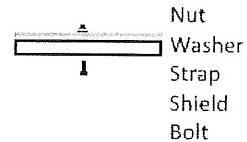


3" strips of plywood along side for reinforcement

Straps should be made out of a durable fabric, rope, or leather.

When making the handstraps, you can go with one, but two allows for a stronger grip, giving more control over the shield.

Straps should be fastened with bolts and washers.



Another thing you can do to reinforce the shield is to get a heavy duty fabric, and glue it taught onto the front once the rest is complete. It won't make it invincible, but it will extend the life of your shield and make it slightly more durable.

Once your shield is made, you will need to get used to holding it, and get used to the weight. You should be able to hold the shield in front of you so that the bottom is not resting on your knee. Get used to a proper stance:

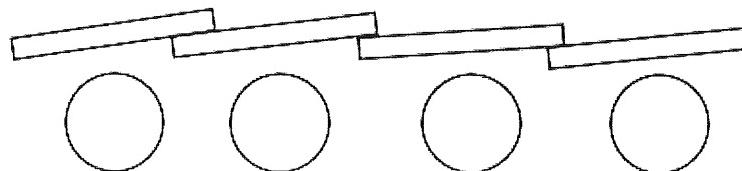
Hold your shield in front of you, about 10"-12" away from your chest. It should be square with your body, so that it covers everything from your knee to your shoulders. You should not rest your chin on or behind the shield. Your right hand should be out, with whatever is in your hand (flag pole, stick, bludgeon, etc.) placed parallel with the top edge of your shield so that you can block anything should it come towards your face. Most of your movement for blocking will come from your elbow and your wrist, so work on your forearm strength.

Your feet should be shoulder width apart, with one foot front, and one foot to the back. The easiest way to get proper footing is to stand shoulder width apart, take one step forward with your **LEFT** foot, and squat slightly. Most of your weight should be on your rear foot unless you are bracing. We'll talk about that later, but for now make sure your weight is on your rear foot. This will ensure that you can move your forward foot out of the way if something is swung at it without losing balance and falling over.

#### Your spot in a shield wall:

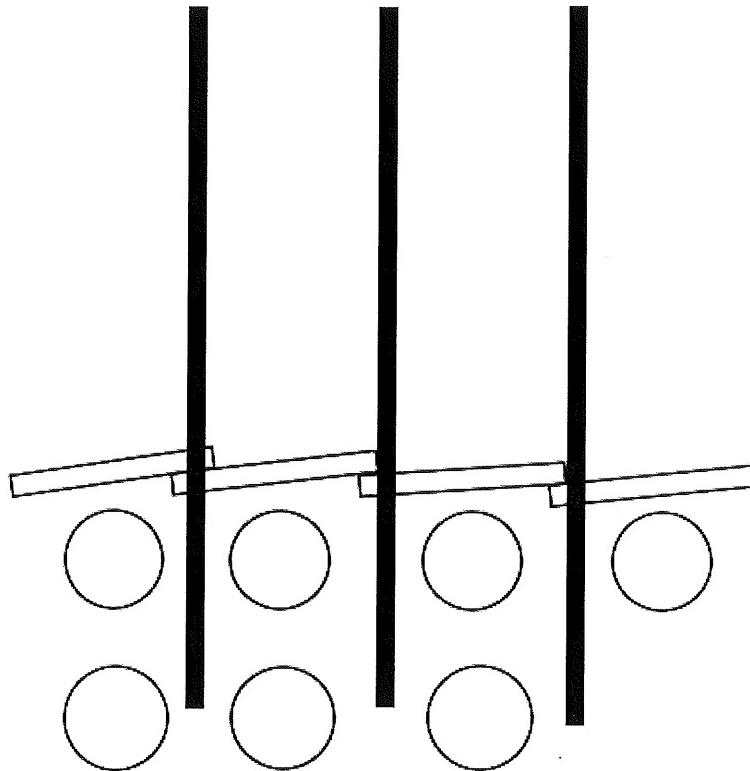
Little about your stance is changed once you are placed in a wall. However, everyone's placement is key to the integrity of the wall. There should be at least two lines of people: the front line is made up of tower shields forming the wall, the second line will be those with polearms (8ft flagpoles). Those in the front line exist only to form a wall. They are purely a defensive component. If the front line is the defensive component of a shield wall, the second line is the offensive component. They make up the teeth of a shield wall. That's why they have the longer weapons.

Those in the front line should be pressed shoulder to shoulder, keeping it tight and making sure there are no gaps between them and those next to them. Shields should overlap, so that your shield is overlapping in front of the person to your right's, and the person to your left's is overlapping in front of yours.



Generally, you want larger people either placed in the center of the front line, or in the second line, as most of the strength for bracing comes from the second line.

Those in the second line should stand directly behind those in the front, with their polearms placed in between the person in front of them and the person to their right.



The second line is meant to deter anyone who tries to get close to the wall. When advancing, they push people away from the wall as the group advances.

Ideally, there would be 4 or 5 lines of people with shields, so that the front line can be consistently refreshed and people can get breaks when needed.

There is going to be a lot more information coming out along with a video that group leaders will be sent going over everything in more detail. Again, this is just a basic primer. This is meant to teach you fundamentals so you can begin going over them with your group. By the time the video is released, you will at least know what you are doing. By the time we get to Charlottesville we will hopefully have enough time to practice as a

solid group. We can discuss this in the discord as well between now and the demonstration.

# **EXHIBIT 27**

Exhibit 27 is a screenshot of certain messages that Plaintiff posted on the “Charlottesville 2.0” server on the Discord platform on June 11-15, 2017.

MadDimension #safety\_planning [server: Charlottesville 2.0] view  
Jun 11, 2017 09:50:22 PM

## THE SECOND RULE OF FAR-RIGHT FIGHT CLUB IS BE WHITE AND PROUD

MadDimension #general\_1 [server: Charlottesville 2.0] view  
Jun 12, 2017 01:01:40 AM

<@310154978549563403> Looks like Corey has a good shot of winning

MadDimension #general\_1 [server: Charlottesville 2.0] view  
Jun 12, 2017 01:02:19 AM

If he gets in I'm going to do whatever I have to do to take down Perriello.

MadDimension #general\_1 [server: Charlottesville 2.0] view  
Jun 13, 2017 01:44:33 AM

Worthless to deal with their leadership. Totally cucked. I have Virginia Oathkeepers who will defy their leadership to attend our rally. That's the best we can expect from them.

MadDimension #general\_1 [server: Charlottesville 2.0] view  
Jun 14, 2017 01:38:41 AM

[https://www.facebook.com/events/1525748627456595/?context=create&previousaction=create&sid\\_create=3774038225&action\\_history=\[%7B%22surface%22%3A%22group%22%2C%22mechanism%22%3A%22groups\\_composer%22%2C%22extra\\_data%22%3A\[\]%7D%2C%7B%22surface%22%3A%22create\\_dialog%22%2C%22mechanism%22%3A%22group\\_create\\_dialog%22%2C%22extra\\_data%22%3A\[\]%7D\]&has\\_source=1](https://www.facebook.com/events/1525748627456595/?context=create&previousaction=create&sid_create=3774038225&action_history=[%7B%22surface%22%3A%22group%22%2C%22mechanism%22%3A%22groups_composer%22%2C%22extra_data%22%3A[]%7D%2C%7B%22surface%22%3A%22create_dialog%22%2C%22mechanism%22%3A%22group_create_dialog%22%2C%22extra_data%22%3A[]%7D]&has_source=1)

MadDimension #general\_1 [server: Charlottesville 2.0] view  
Jun 14, 2017 01:39:27 AM

Here is where we bring Proud Boys into this thing. It doesn't matter if you're Alt-Right or PB, if you're in Virginia, try to show up to this event because we're going to be baiting Antifa



MadDimension #general\_1 [server: Charlottesville  
2.0] view  
Jun 14, 2017 01:45:57 AM

Sorry the link is for a closed group, evidently

MadDimension #general\_1 [server: Charlottesville  
2.0] view  
Jun 14, 2017 01:47:04 AM

@everyone If you want to help bait Antifa into attacking the Proud Boys come to 207 Pineridge Ln Charlottesville, Va 22902 at 6pm this Saturday, June 17th

MadDimension #general\_1 [server: Charlottesville  
2.0] view  
Jun 14, 2017 01:54:59 AM

We're going to take the Proud Boys out to a bar and invite the Antifa who did this<br> <br> <https://www.youtube.com/watch?v=x7ue4lSgyHs&t=1490s>

MadDimension #general\_1 [server: Charlottesville  
2.0] view  
Jun 14, 2017 07:44:50 PM

@everyone If you live in the Virginia area you might want to consider bringing your MAGA hats to Charlottesville on Saturday for the Proud Boys meetup. Word is that Antifa is going to harass the "Neo-Nazi Proud Boys organization" and this will probably help drum up interest in Alt-light circles for the August event.<br> <br> 6pm this Saturday. PM for location

MadDimension #general\_1 [server: Charlottesville  
2.0] view  
Jun 14, 2017 08:13:29 PM

@everyone Attendees, don't forget to post in the <[#321381086166908929](#)> channel.

MadDimension #general\_1 [server: Charlottesville  
2.0] view  
Jun 14, 2017 09:45:50 PM

MadDimension #mod\_help [server: Charlottesville  
2.0] view

Jun 14, 2017 09:50:36 PM

<@151529484854624261> Done

MadDimension #demonstration\_tactics [server: Charlottesville 2.0] view

Jun 14, 2017 09:54:46 PM

MadDimension #demonstration\_tactics [server: Charlottesville 2.0] view

Jun 14, 2017 10:01:42 PM

@everyone We need to do a march along with the rally. Should we do it on the Downtown Mall (which is closed to traffic) or should we march through the streets the way they did in Berkeley?

MadDimension #demonstration\_tactics [server: Charlottesville 2.0] view

Jun 14, 2017 10:04:27 PM

It will get very expensive very fast if we start asking to close down streets in advance. We'd have to pay off duty police officers

MadDimension #demonstration\_tactics [server: Charlottesville 2.0] view

Jun 14, 2017 10:05:09 PM

<@222475860224114689> There's no doubt we should march through the Downtown Mall. My only wonder is whether we should keep it contained there

MadDimension #demonstration\_tactics [server: Charlottesville 2.0] view

Jun 14, 2017 10:05:38 PM

The downtown mall is public and the police would n't be able to remove us without violating our First Amendment rights

MadDimension #demonstration\_tactics [server: Charlottesville 2.0] view

Jun 14, 2017 10:06:29 PM

Decision: For now we will not plan to march through the street and block traffic. But if Antifa does we should be able to confront them about it

MadDimension #alex\_jones\_chat [server:  
Charlottesville 2.0] view  
Jun 14, 2017 10:32:35 PM

Pleased to announce that Milo will be attending the rally

MadDimension #alex\_jones\_chat [server:  
Charlottesville 2.0] view  
Jun 14, 2017 10:50:54 PM

Pleased to announce a new attendee for Unite the Right. It really isn't about hate guys.



MadDimension #alex\_jones\_chat [server:  
Charlottesville 2.0] view  
Jun 14, 2017 10:55:30 PM

\*blocks your path\*

MadDimension #beltway\_bigots [server:  
Charlottesville 2.0] view  
Jun 14, 2017 11:53:29 PM

You guys are welcome to come to Charlottesville this weekend for the Proud Boys event. We're going to be triggering Antifa to protest and force the Alt-Light's hand. Just wear your MAGA hats and blend in as Proud Boys. It'll be fun.<br><br>https://www.facebook.com/events/1672364596403983/1672731556367287/?notif\_t=plan\_mall\_activity&notif\_id=1497476408923341

MadDimension #demonstration\_tactics [server:  
Charlottesville 2.0] view  
Jun 14, 2017 11:57:02 PM

The Downtown Mall march will be unannounced to the public but we'll coordinate it among the leadership and let folks know prior to the event

MadDimension #alex\_jones\_chat [server:

Charlottesville 2.0] view

Jun 15, 2017 12:00:55 AM

Big if true

MadDimension #virginia\_laws [server:

Charlottesville 2.0] view

Jun 15, 2017 12:49:42 AM

Virginia's self-defense laws<br><br> <http://www.tmwilsonlaw.com/criminal-law/self-defense>

MadDimension #mod\_help [server: Charlottesville

2.0] view

Jun 15, 2017 01:00:30 AM

What is it you Detroit guys need? Is everyone that wants to be in the group in it?

MadDimension #general\_1 [server: Charlottesville

2.0] view

Jun 15, 2017 01:46:00 AM

Can we get a hold of a fake SJW account for passing misinformation and bait along to the Antifa during this event?

MadDimension #beltway\_bigots [server:

Charlottesville 2.0] view

Jun 15, 2017 08:33:44 PM

<https://www.facebook.com/events/1672364596403983/>

MadDimension #beltway\_bigots [server:

Charlottesville 2.0] view

Jun 15, 2017 08:35:30 PM

Bring your MAGA hats if you've got 'em. If Antifa fucks with us it'll look like average Trump supporters and Alt-Light are under attack

MadDimension #beltway\_bigots [server:

Charlottesville 2.0] view

Jun 15, 2017 08:36:59 PM

# **EXHIBIT 30**

Exhibit 30 is a screenshot of certain messages that Plaintiff posted on the “Charlottesville 2.0” server on the Discord platform on June 7-8, 2017.

egal by Virginia law for them to move it and the judge who issued the injunction has already recognized this. Charlottesville's Lee Monument is not a lost cause like New Orleans. This is a place where we are winning and can rub the liberals' face in it.

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 07, 2017 07:35:06 PM

Yeah, "Justice" and "Emancipation" Park

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 07, 2017 08:37:36 PM

THE NUMBER ONE RULE OF RIGHT-WING FIGHT CLUB: BE PROUD AND WHITE

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 07, 2017 09:41:29 PM

@everyone Here is the latest news on the alt-light involvement. Based Stickman is not going to speak but he has agreed to come in with the Proud Boys as enforcers against Antifa. He has promised that there will be no counter-signaling or infighting. I don't think Gavin will be coming but we are going to try to get him to promote this event and encourage the Proud Boys to attend

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 07, 2017 09:42:43 PM

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

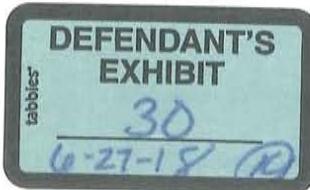
Jun 07, 2017 10:29:19 PM

@everyone Everything is under control. I'm about to go to a meetup but I will be available to speak to anyone who wants to speak to me tomorrow and make sure everyone is happy

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 07, 2017 10:32:20 PM

All the drama is exaggerated. If you have an issue bring it up with me and I'll take care of it



DX-30

**MadDimension** #news [server: Charlottesville 2.0]

[view](#)

Jun 08, 2017 05:33:47 AM

Probably paid by the liberals

**MadDimension** #news [server: Charlottesville 2.0]

[view](#)

Jun 08, 2017 05:33:51 AM

Ignore it

**MadDimension** #general\_1 [server: Charlottesville

2.0] [view](#)

Jun 08, 2017 05:34:19 AM



**MadDimension** #general\_1 [server: Charlottesville  
2.0] [view](#)

Jun 08, 2017 05:46:07 AM

<@111266802490740736> I've been sleeping next to a gun for a long time now

**MadDimension** #general\_1 [server: Charlottesville

2.0] [view](#)

Jun 08, 2017 04:35:28 PM

@everyone Is there anyone who can help me create a digital flier for the event listing the event details so far?

**MadDimension** #general\_1 [server: Charlottesville

2.0] [view](#)

Jun 08, 2017 04:35:33 PM

Event details: <br> WHEN: August 12th at 12pm <br> WHERE: Lee Park In Charlottesville, Va<br> WHAT: This is a UNITE THE RIGHT event bringing together the Alt-Right with the Alt-Light and Confederate supporters around the country. We're demonstrating in support of the Robert E Lee statue, the right of white people to organize for our interests and to show that we will not be intimidated by harassment campaigns of the Left.<br><br> Confirmed Speakers (so far):<br> \*Mike Enoch<br> \*Augustus Invictus <br> \*Jason Kessler<br> \*Baked Alaska <br> \*Christopher Cantwell<br> \*Matt Heimbach<br> \*Pax Dickinson<br> \*Johnny Monoxide<br><br> Based Stickman will be in attendance to help m

aintain order against Antifa.<br>< br> More guest coming soon....

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 08, 2017 04:39:08 PM

<@307551173794070529> Let's go with somethin g new to distinguish this event

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 08, 2017 04:41:26 PM

He said that he wanted to speak, yes

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 08, 2017 04:56:59 PM

<@200103874801958912> The speeches are goi ng to be short and sweet

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 08, 2017 04:57:29 PM

We may spread some of them out into a private ev ent on Sunday

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 08, 2017 05:45:59 PM

I'm almost certainly convinced this negro and his A NTIFA mob hired the "KKK" member who's coming July 8th<br>< br> [https://www.youtube.com/watch?v=eHNw1LEB\\_WU&feature=youtu.be&app=deskt](https://www.youtube.com/watch?v=eHNw1LEB_WU&feature=youtu.be&app=desktop)op

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 08, 2017 05:47:49 PM

I think they're going to use their protest against this fake KKK as a model for their attack on us August 12

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 08, 2017 05:49:28 PM

# **EXHIBIT 32**

Exhibit 32 is a screenshot of a Facebook message posted by C.J. Ross on May 28, 2017 and a screenshot of that same message showing that Plaintiff “liked” the message.

## Stand with Lacy Weeks

51 signatures are still needed! Kay ivery, Ban Antifa from Colleges and Public Areas

LACY WEEKS JUST SIGNED THIS PETITION ON CHANGE.ORG...

Like Comment Share

13

1 share

[View 10 more comments](#)

James Jason Powers Done....i say take them out all together.  
Like · Reply · 1 · 4 hrs

(<http://solidaritycville.com/content/misc1.png>)

A threat to "take them out"

WH Cratch Somebody needs to stomp Kaine's ass into oblivion.  
Like · Reply · 2 · Yesterday at 12:09am

Jason Kessler Bodyslam!  
Like · Reply · 7 hrs

Write a reply...



(<http://solidaritycville.com/content/misc2.png>)

A threat against Senator Tim Kaine

Lucca Blake We need to create a security force honestly....  
Like · Reply · 1 · 6 hrs

Hannah Zarski Amen.  
Like · Reply · 5 hrs

Write a reply...



Aaron Dale You're looking at this all wrong.

You have the opportunity to advertise a time and place; you show up with guns and let those degenerates come try to kill you. You literally have the chance to take out our enemies. Not just metaphorically or through rhetoric, but through legal acts of self defense.

Like · Reply · 1 · 6 hrs

(<http://solidaritycville.com/content/misc3.png>)

A celebration of the "opportunity" for self-defense

CJ Ross Posted this amongst some 3% groups. This is great recruiting material for us. I've got a friend making a video. Just say when go time is and we'll walk in there with a thousand men and crush these little cunt rags for good.

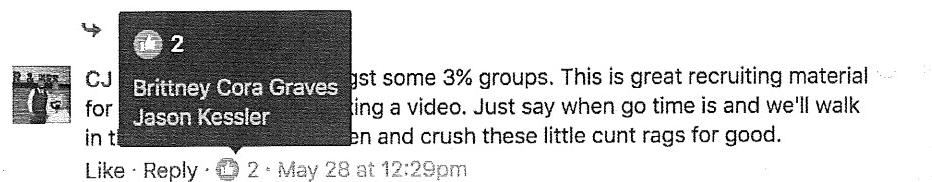
Like · Reply · 2 · May 28 at 12:29pm

(<http://solidaritycville.com/content/misc4.png>)

A threat that activists will be "crushed"



04-3



(<http://solidaritycville.com/content/misc5.png>)

An endorsement from Jason Kessler for the above threat

» REVOKETHEPERMIT (/TAGS/REVOKETHEPERMIT/)

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## NEWER

Legal Organizations Jointly Publish Open Letters to State and Local Officials Regarding Klan Rally  
(/2017/07/20/Legal-Organizations-Jointly-Publish-Open-Letters-to-State-and-Local-Officials-Regarding-Klan-Rally/)

## OLDER

Injured Community Members Expose Police Brutality at July 8 Anti-Klan Protest in Charlottesville  
(/2017/07/14/Press-statement-regarding-police-brutality-on-July-8/)

# **EXHIBIT 33**

Exhibit 33 is a screenshot of messages that Plaintiff posted on the “Charlottesville 2.0” server on the Discord platform on June 7-10, 18, 19, 2017.

@everyone Event details: <br> WHEN: August 12th at 12pm<br> WHERE: Lee Park In Charlottesville, Va<br> WHAT: This is a UNITE THE RIGHT event bringing together the Alt-Right with the Alt-Light and Confederate supporters around the country. We're demonstrating in support of the Robert E Lee statue, the right of white people to organize for our interests and to show that we will not be intimidated by harassment campaigns of the Left.<br><br> Confirmed Speakers (so far):<br> \*Richard Spencer<br> \*Mike Enoch<br> \*Augustus Invictus <br> \*Jason Kessler<br> \*Baked Alaska<br> \*Christopher Cantwell<br> \*Matt Heimbach<br> \*Dr. Michael Hill<br> \*Pax Dickinson<br> \*Johnny Monoxide<br> More to come...

MadDimension #general\_1 [server: Charlottesville 2.0] view  
Jun 07, 2017 02:16:43 PM

MadDimension #general\_1 [server: Charlottesville 2.0] view  
Jun 07, 2017 02:21:18 PM

Baked has been very supportive of the event so far

MadDimension #general\_1 [server: Charlottesville 2.0] view  
Jun 07, 2017 02:34:09 PM

<@111266802490740736> No open carry for this event. If you want protection bring concealed

MadDimension #announcements [server: Charlottesville 2.0] view  
Jun 07, 2017 02:40:38 PM

@everyone <br><br> REGARDING SELF-DEFENSE: <br><br> STICKS AND SHIELDS: I recommend you bring picket sign posts , shields and other self-defense implements which can be turned from a free speech tool to a self-defense weapon should things turn ugly.<br><br> OPEN CARRY: Please do not open carry. We want to avoid that optic for both the media and Antifa. We ultimately don't want to scare them from laying hands on us if they can't stand our peaceful demonstration.<br><br> CONCEALED CARRY: If you have a legal permit to concealed carry this should be fine. Check the local laws but Virginia is very friendly on this issue.

DEFENDANT'S EXHIBIT  
33

6-27-18 D

**MadDimension** #announcements [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 02:40:43 PM

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 02:44:45 PM

We should bring picket signs that can be used as sticks to bludgeon our enemies if they get violent. A void open carry. Concealed carry is fine.

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 02:49:33 PM

<@317808305659445249> Gavin might not be coming. Don't worry about that stuff. Let the event organizers take care of it

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 02:50:20 PM

We will have Alt-Light onboard but exactly which ones are in negotiation right now. Look at the pinned post here in general for the list of confirmed speakers

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 04:12:45 PM

<@222826096423337984> I agree with this strategy.

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 04:39:13 PM

@everyone Pax Dickinson will now be attending the rally and is being added to the list of speakers

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 04:54:56 PM

<@322054219957796874> Welcome

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 08, 2017 10:18:07 PM

The Alt-Right is a modern movement and a movement that is gaining momentum.

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 09, 2017 12:55:29 AM

I 100% agree with <@277402730073554946> . If you want a chance to crack some Antifa skulls in self-defense don't open carry. You will scare the shit out of them and they'll just stand off to the side

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 09, 2017 12:56:16 AM

<@277935721312944129> We're still adding speakers. That's all that can be said for right now

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 09, 2017 01:36:58 AM

<https://www.youtube.com/watch?v=gtvtWxl55i8>

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 09, 2017 01:37:29 AM

I wonder if this supposed KKK demonstration is going to draw out any violent left-wingers

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 09, 2017 01:41:45 AM

The way these blacks attack the guy makes me angry

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 09, 2017 01:44:05 AM

His strategy of, "let blacks beat you up and hope the media takes pity on you" is more than retarded

**MadDimension** #general\_1 [server: Charlottesville 2.0] view  
Jun 10, 2017 01:00:20 AM

#NeverForget<br> <br> <https://www.youtube.com/watch?v=T-4QkuoD79I>

**MadDimension** #general\_1 [server: Charlottesville 2.0] view  
Jun 10, 2017 01:08:52 AM

We should burn an Antifa flag at this event

**MadDimension** #general\_1 [server: Charlottesville 2.0] view  
Jun 10, 2017 03:22:23 AM

If you watch the Battle of Berkeley footage the best stuff is happening in the streets. Maybe we need to organize a street march after the rally

**MadDimension** #general\_1 [server: Charlottesville 2.0] view  
Jun 10, 2017 02:44:40 PM

@everyone If you want the cheapest possible travel cost I suggest you check out the 2 carpool sections of the Discord. I've rented a car to go to AmRen for only \$250 and I have guys riding with me to split the cost.

**MadDimension** #safety\_planning [server: Charlottesville 2.0] view  
Jun 10, 2017 02:57:18 PM

We have over a hundred confirmed on the Facebook event page as well and another 300 interested in going

**MadDimension** #general\_1 [server: Charlottesville 2.0] view  
Jun 10, 2017 04:59:30 PM

<https://twitter.com/lacymacauley/status/870797466865741825>

**MadDimension** #general\_1 [server: Charlottesville 2.0] view  
Jun 10, 2017 05:51:32 PM

Yes, the one I suspected is the rich boy owner

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 18, 2017 06:20:22 PM

@everyone Alt-Right and Trump supporters BANN ED from Charlottesville bars for no damn reason but that an SJW mob swarmed us<br><br> <https://www.pscp.tv/AltRightVa/1rmxPPXZNaLxN>

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 18, 2017 06:21:17 PM

They better fucking serve us or they'll have to shut down the entire city

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 19, 2017 01:32:19 AM

<@256551890060443652> If a riot breaks out in Charlottesville it will not be a result of us breaking windows, damaging property or otherwise using Antifa tactics.<br><br> I also highly recommend using defensive tactics because the police are against us just like in Berkeley.<br><br> But if we are forced into a street brawl... fight them with honor, stay within reasonable bounds of the law and whoop that Commie, anti-white ass all over God's green Earth.

**MadDimension** #beltway\_bigots [server: Charlottesville 2.0] view

Jun 19, 2017 01:36:43 AM

Damn it I didn't know how the cops dragged off <@307551173794070529> last night just for putting his dukes up.

**MadDimension** #beltway\_bigots [server: Charlottesville 2.0] view

Jun 19, 2017 01:37:32 AM

That black cop in charge had it out for us all night and wouldn't shake Brian's hand after he was falsely accused of spitting on that dumbass

**MadDimension** #general\_1 [server: Charlottesville 2.0] view

Jun 19, 2017 04:46:20 AM

# **EXHIBIT 34**

Exhibit 34 is a screenshot of a Facebook poll created by a Facebook user named “Ludovici Alibi” asking whether “Atomwaffen Waffen Division” should serve as security for the event for which Plaintiff seeks a permit.



Ludovici Alibi created a poll.

June 13 at 11:52am

Should "Atomwaffen Waffen Division" do private security for Unite The Right rally August 12th?

Yes or No

65% Yes

35% No

This poll has ended.

315 Votes

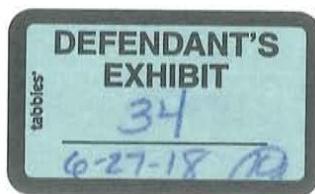
Like

Comment

Share

39

Source: <https://solidaritycville.wordpress.com/2018/06/18/unite-the-right-facebook-posts-link-organizers-to-violence-atomwaffen-group>



# **EXHIBIT 35**

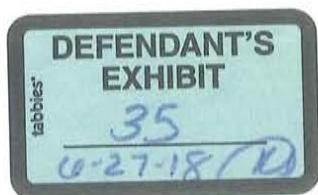
Exhibit 35 includes a Screenshot of a Facebook poll by Ludovici Alibi

# Unite the Right Facebook Posts Link Organizers to Violent Atomwaffen Division

**MAJOR CONTENT WARNING for: online discussion between neo-Nazis that includes threats of violence, slurs, anti-Semitic language, reference to Unite the Right rally.**

*An anonymous community member submitted to Solidarity Cville these 17 pages of Facebook screenshots that document neo-Nazis discussing their plans for August 12, 2018, the one-year anniversary of the Unite the Right rally. Besides arguing between each other about the “optics” of being racist and ensuring a safe space for themselves, there are some pretty explicit threats of violence.*

Here's the Facebook poll that sparks the comment thread:





Ludovici Alibi created a poll.

June 13 at 11:52am ·

Should "Atomwaffen Waffen Division" do private security for Unite The Right rally August 12th?

Yes or No

65% Yes

35% No

This poll has ended.

315 Votes

Like

Comment

Share

39

GRAPHIC: Facebook poll by user “Ludovici Alibi” dated June 13 that reads, “Should Atomwaffen Waffen Division’ do private security for Unite The Right rally August 12th?” The poll response is 65% Yes, 35% No, with 315 votes.

Atomwaffen Division (AWD) is a violent white supremacist group whose members “have been implicated in a string of violent crimes,” according to a ProPublica investigation published earlier this year. White supremacists affiliated with AWD have been charged in five murders, a bomb plot, and more. The investigation also found that AWD had a spike in recruitment after Unite the Right 2017 and that Virginia is home to one of their largest chapters.

Another commenter suggests Rise Above Movement (RAM) as an alternative.



Irene Ficklestein What about RAM (rise above movement) ?

Like · Reply · 4d

1



Henry Baxley ??????

Like · Reply · 4d



Irene Ficklestein It would be a solid medium. Decent optics with force

Like · Reply · 4d

GRAPHIC: Facebook comment by Irene Ficklestein that reads, “What about RAM (rise above movement) ?”

RAM is yet another notorious white supremacist group, whose mission consists entirely of “physically attacking its ideological foes” as documented by another ProPublica investigation from last October.

One commenter suggests that AWD set off a “suitcase nuke” against antifa; another suggests brandishing and aiming weapons at counter-protesters. One commenter, Dave Shyne, admits to helping organize Unite the Right 2 on August 12, 2018. Shyne assures them they’ll have “professional private security.”

This submission exposes “Dave Shyne” as David Rother, who testified as a defense witness at Christopher Cantwell’s preliminary hearing in November. He was named in the court transcript as well as in Cantwell’s suit against Emily Gorcenski, which confirms his presence at the August 11 torch rally at UVA.

These online forums only further cement the need for City Council to take the threat of white supremacist violence seriously. Though the alt-right may be deeply fracturing and anything but unified, there is always still potential for danger. Last spring and summer, countless community members warned city officials of the

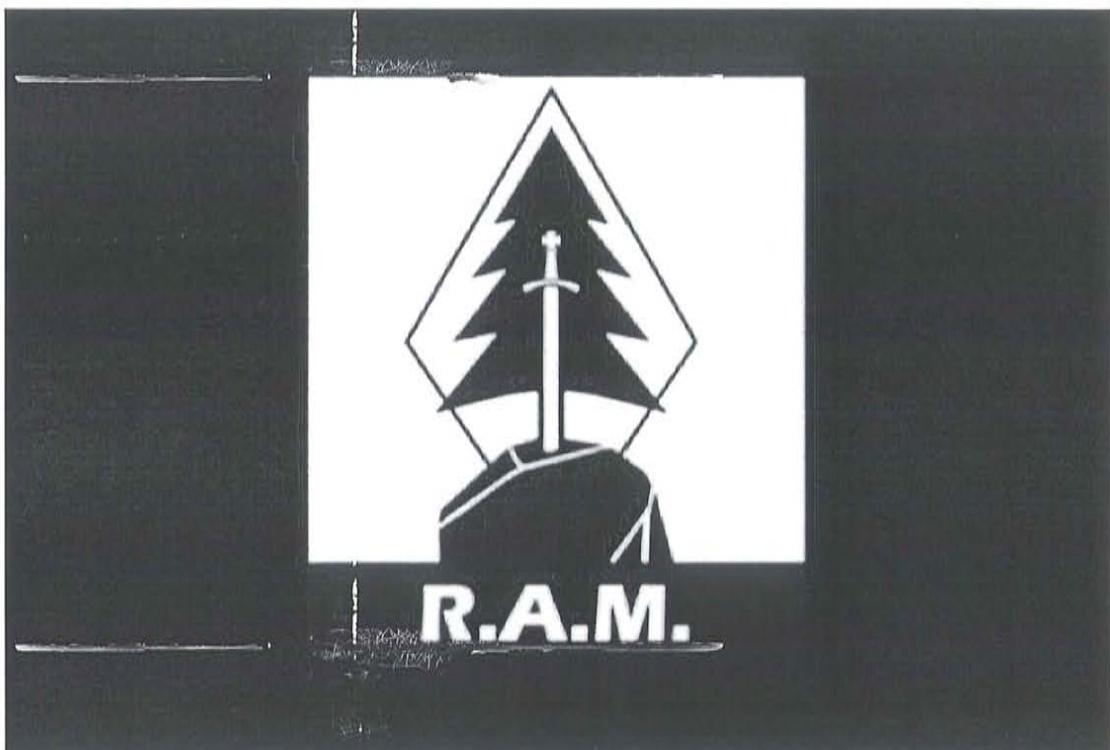
violence that would occur with the Unite the Right rally, and were sadly proven right. It's up to the community to make sure this never happens again.

# **EXHIBIT 36**

Exhibit 36 is information from the Anti-Defamation League about the Rise Above Movement.

# Rise Above Movement (R.A.M.)

Link: <https://www.adl.org/resources/backgrounders/rise-above-movement-ram>



## Key Points

R.A.M. (Rise Above Movement) is a white supremacist group based in Southern California whose members believe they are fighting against a “modern world” corrupted by the “destructive cultural influences” of liberals, Jews, Muslims and non-white immigrants. They refer to themselves as the “premier MMA (mixed martial arts) club of the Alt-Right.”

- R.A.M. operates like a street-fighting club. Members actively train to do physical battle with their ideological foes, and have been involved in violent clashes during political rallies and demonstrations.
- While they consider themselves part of the alt right, R.A.M.’s membership has deep roots in California’s racist skinhead movement, and includes individuals who have faced serious criminal charges, including assault, robbery and weapon offenses.

## Overview



The Rise Above Movement (R.A.M.) is a white supremacist group based in Southern California (predominantly Orange County region) whose members believe they are fighting against a “modern world” corrupted by the “destructive cultural influences” of liberals, Jews, Muslims, and the effects of non-white immigration. Their ostensible goal is to restore European-American (i.e., white) culture to America and create a “conservative counter-culture” that embraces white identity and “traditional Christian” values. They see themselves as patriotic crusaders who are fighting against “communist” forces and advocating on behalf of a victimized white population.

“We want to rise above all of today's destructive culture and see the rebirth of our people, strong in mental and physical capacities as our forefathers were. In a time when you can be harmed for your political beliefs or shamed for your heritage, we are here to defend our identity and shared goals.” Rise Above Movement, Instagram, June 12, 2017

“The Rise Above Movement is the premier MMA club of the Alt-Right, representing the United States. Their dedication is to promote an active lifestyle and common values among young people and a future for European people. This is achieved through training, creative thinking and activism. The main task of The Rise Above Movement is to revive the spirit of a warrior and to see the rebirth of values of Western Civilization’s forefathers.” Rise Above Movement, GAB.ai, December 18, 2017

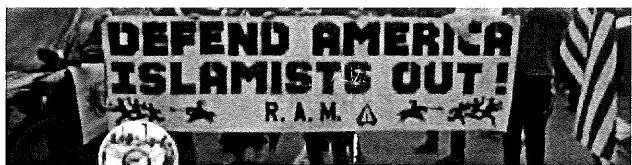
## **Leadership**

**Benjamin Daley** of Hermosa Beach is a leader in the Rise Above Movement and is featured prominently in the group’s recruitment videos. He has traveled not only throughout California to attend rallies but also participated in the August 2017 Unite the Right rally in Charlottesville, Virginia. Daley has a history of using social media to promote anti-Semitic cartoons and conspiracy theories about Jewish control of the banking, media and legal system.

**Robert Rundo** of San Clemente, California, is in charge of the group’s MMA training program.

## **Origins**

R.A.M. consists of several dozen loosely affiliated neo-Nazis and racist skinheads who were formerly known as DIY Division, but rebranded themselves as the Rise Above Movement in the spring of 2017. “The premier MMA club of the alt right,” espouses racism, anti-Semitism and intolerance at events and online. Members have been spotted carrying “Da Goym Know” signs, a reference to an anti-Semitic trope about Jews trying to keep non-Jews “in the dark” about their plans for world domination. During an anti-Muslim rally in San Bernardino, one member held a sign declaring, “Rapefugees Not Welcome.” Several others held a banner that read, “Defend America. Islamists Out,” and depicted lance-wielding crusaders on horseback chasing after fleeing Muslims. This is a take on the R.A.M. logo, which includes a crusader sword and an evergreen tree.



## Propensity for Violence

The group operates like a street-fighting club, and promotes physical fitness and strength-training in preparation for altercations with counter-protesters at political rallies and demonstrations. In 2017, R.A.M. members were part of violent clashes at California rallies in Berkeley and Huntington Beach, and at the "Unite the Right" rally in Charlottesville, Virginia.



Members attend events prepared to fight, concealing their identity with skull masks or American flag themed bandanas, wearing goggles to counter pepper spray and wrapping their hands and wrists with gauze or tape to protect themselves from injuries.

Several R.A.M. members have violent criminal backgrounds, with convictions for felony assault, robbery and weapon violations. Robert Rundo has prior convictions in New York for assault with a weapon and gang assault 2nd degree. Tyler Laube of Redondo Beach, California, has a lengthy criminal record that includes convictions for robbery and bladed weapon violations. Robert Bowman of Torrance, California, also has an extensive criminal history, and has been convicted of robbery, theft, battery, vandalism, trespassing and assault.

R.A.M.'s violent ideology is glorified in the group's recruitment videos and other online propaganda. The videos cut back and forth from footage of members brawling at demonstrations to scenes of members participating in workout sessions. Their digital

propaganda also highlights violence against the left, and features images of members wearing t-shirts emblazoned with phrases like “Kill a Commie for Mommy,” or posing in front of graffiti of the letters GNL\$S, an acronym for “Good Night Left Side,” a common anti-antifa slogan.



## Activity

In addition to working out and honing their fighting skills, R.A.M. typically participates in California events organized by other far-right groups and individuals, including Identity Evropa, Joey Gibson of Patriot Prayer, Juan Benitez Cadavid (aka Johnny Benitez), Red Elephant’s Vincent James Foxx, and Kyle Chapman of the Fraternal Order of Alt Knights.

Occasionally, R.A.M members will organize their own protest activities. In July 2017, members attempted to disrupt a Committee for Racial Justice meeting in Santa Monica. That same month, they hung this banner over a Torrance freeway: “Secure Borders, Secure Future.”

- **Charlottesville, Virginia, August 2017:** R.A.M members attended the “Unite the Right” rally and contributed to violence against counter-protesters.
- **Santa Monica, California, July 2017:** R.A.M. members attempted to disrupt a Committee for Racial Justice meeting.
- **Torrance, California, July 2017:** R.A.M. members hung a “Secure Borders, Secure Future” banner over the 110 Freeway.
- **San Bernardino, California, June 2017:** R.A.M. members participated in an “anti-Sharia law” protest holding signs that read “Defend America Islamists out!” and “RAPEFUGEES stay away NOT WELCOME.”
- **Berkeley, California, April 2017:** R.A.M. members engaged in physical altercations with counter-protesters during a “Say No to Marxism” rally hosted by Kyle Chapman and other far right activists.
- **Huntington Beach, California, March 2017:** Approximately a dozen R.A.M. members attended a “Make America Great Again” rally under the banner of DIY Division. As the event turned violent, RAM members fanned out and began fighting with counter-protesters.

# **EXHIBIT 39**

Exhibit 39 is a screenshot of certain messages that Plaintiff posted on the “Charlottesville 2.0” server on the Discord platform on June 7, 2017.

**MadDimension** #announcements [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 02:40:43 PM

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 02:44:45 PM

We should bring picket signs that can be used as sticks to bludgeon our enemies if they get violent. A void open carry. Concealed carry is fine.

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 02:49:33 PM

<@317808305659445249> Gavin might not be coming. Don't worry about that stuff. Let the event organizers take care of it

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 02:50:20 PM

We will have Alt-Light onboard but exactly which ones are in negotiation right now. Look at the pinned post here in general for the list of confirmed speakers

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 04:12:45 PM

<@222826096423337984> I agree with this strategy.

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 04:39:13 PM

@everyone Pax Dickinson will now be attending the rally and is being added to the list of speakers

**MadDimension** #general\_1 [server: Charlottesville 2.0] [view](#)  
Jun 07, 2017 04:54:56 PM

<@322054219957796874> Welcome

DEFENDANT'S  
EXHIBIT

39  
6-27-18 (R)

# **EXHIBIT 40**

Exhibit 40 is a screenshot of messages that Plaintiff posted on the “Charlottesville 2.0” server on the Discord platform on June 9, 2017.

[MadDimension](#) #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 08, 2017 10:18:07 PM

The Alt-Right is a modern movement and a movement that is gaining momentum.

[MadDimension](#) #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 09, 2017 12:55:29 AM

I 100% agree with <@277402730073554946> . If you want a chance to crack some Antifa skulls in self-defense don't open carry. You will scare the shit out of them and they'll just stand off to the side

[MadDimension](#) #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 09, 2017 12:56:16 AM

<@277935721312944129> We're still adding speakers. That's all that can be said for right now

[MadDimension](#) #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 09, 2017 01:36:58 AM

<https://www.youtube.com/watch?v=gtvtWxl55i8>

[MadDimension](#) #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 09, 2017 01:37:29 AM

I wonder if this supposed KKK demonstration is going to draw out any violent left-wingers

[MadDimension](#) #general\_1 [server: Charlottesville 2.0] [view](#)

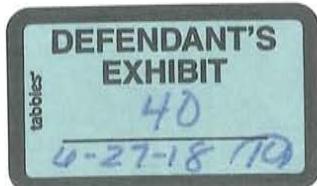
Jun 09, 2017 01:41:45 AM

The way these blacks attack the guy makes me angry

[MadDimension](#) #general\_1 [server: Charlottesville 2.0] [view](#)

Jun 09, 2017 01:44:05 AM

His strategy of, "let blacks beat you up and hope the media takes pity on you" is more than retarded



# **EXHIBIT 41**

Exhibit 41 is a security and operational plan developed and circulated by Elliott Kline to Plaintiff and other leaders of his Unite the Right rally on August 1, 2017.

## Operation Unite the Right Charlottesville 2.0

**IMPORTANT:** This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

### Report Version:

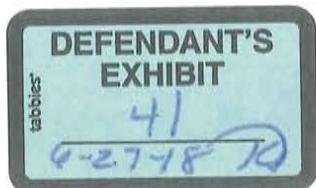
8/1/2017 OPORD

**ATTENTION:** Please read this full document to avoid miscommunication or organizational issues.

### Operation Summary:

The town of Charlottesville, Virginia has recently become a flashpoint in the culture war against the anti-white and anti-free speech left with the town trying to take down or alter civil war monuments. Earlier this year, the Alt Right held a secretive rally in the town to protest again these policies which gained international coverage and showed a serious maturity with various groups working together. Since this event the left and the city has not gotten the message, and continue to harass local journalist Jason Kessler and his friends for their point of view on the issue. On August 12<sup>th</sup> we plan on going back to Charlottesville to show them that they are not unopposed with a rally that brings together with various right wing groups to show solidarity on issues we overlap with as well as show support for locals afraid to speak up. This rally, like the Battle of Berkley, will be a chance to show the left in one of their central power hubs that they will no longer go unopposed like they are used to with older generations of right wingers. Originally, we intended for this rally to be made up of Alt Right and Alt Lite figures, but many Alt Lite figures have since pulled out. This is not a major issue since this is shaping up to be the largest Alt Right/WN event in recent history.

Please read this entire document so you know all the details of the event. If you have any questions please ask in the “questions\_for\_coordinators” chat of the Discord and tag coordinators.



## Operation Unite the Right Charlottesville 2.0

**IMPORTANT: This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.**

### **Friendlies:**

We are expecting to have between 800-1400 friendly people attend this rally ranging from Alt-Lite, Oathkeepers, Proud Boys, and Trumpists to Identitarians, Neo-Confederates, national socialists and other Alt Right groups.

Anyone who is coming and not part of an already existing group should be directed to the Free Agent Liaison.

### **Enemies/Counter Protestors:**

We have been monitoring Antifa and other leftist activities for months leading up to the event and are anticipating between 1500-3000 counter protestors. These groups range from local Charlottesville residents or students from UVA to full fledged Antifa members.

Also, there are the potential of enemies within the right from our own ranks. Various Proud Boys and White Nationalist groups are coming to the event as opposition in unknown numbers with unknown intentions.

On Thursday, 10<sup>th</sup> of August we will release a list of High Value Targets through the chain of command of our security team identifying members of both groups opposed to the rally.

### **Discord:**

Assume the Discord is entirely compromised. Our intel suggests that Antifa have someone monitoring this server for information. Eli Mosley removed one of them the night of 8/1/2017.

We are coming down to the wire of the event soon and should try to keep the Discord as clean as possible from shitposting so that people can communicate and organize what they need to for the rally.

## **Operation Unite the Right Charlottesville 2.0**

**IMPORTANT: This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.**

### **Overall Event Timeline:**

All times subject to change based on circumstances.

Friday 8/11 – Torchlight Demonstration

1630: Rally at “Nameless Field”, Charlottesville, VA

1700: Step off from “Nameless Field” towards Jefferson Monument on UVA campus

1715-1730: Conduct torchlight demonstration

1730-1745: Head back to “Nameless Field” and go back to cars.

Saturday 8/12 – Unite the Right Rally, Lee Park

900-930: ADVON Team Arrives on site

1000: Permit starts, ADVON Team starts taking the ground and securing the perimeter

1100-1130: Sound system setup

1200: Rally Begins

    Music

    Speakers

    Close

1430-1500: Start heading to Police protection point off site

1500-1600: Travel back to rally points from police protection point

Saturday 8/12 – After Party Dinner and Speeches

1700-1800: Arrival to after party

1900: Speakers begin

## Operation Unite the Right Charlottesville 2.0

**IMPORTANT:** This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

### **Equipment:**

Firearms – We will not tell anyone they cannot carry firearms at this rally, but we will stress that it MUST be done so in a lawful manner in accordance with VA State laws. If you have questions ask in the VA State Laws channel for help.

Poles/Flags – We have no received confirmation from the police department with clarification on this but will update this on the next document.

Shields – Groups are encouraged to bring their own shields but you should realize they may be confiscated by the police. We've been given mixed messages on what is and is not authorized.

Knives/Tasers – We have been informed that most knives and all tasers will not be allowed on the grounds that day. Anyone seeing a knife should report it immediately.

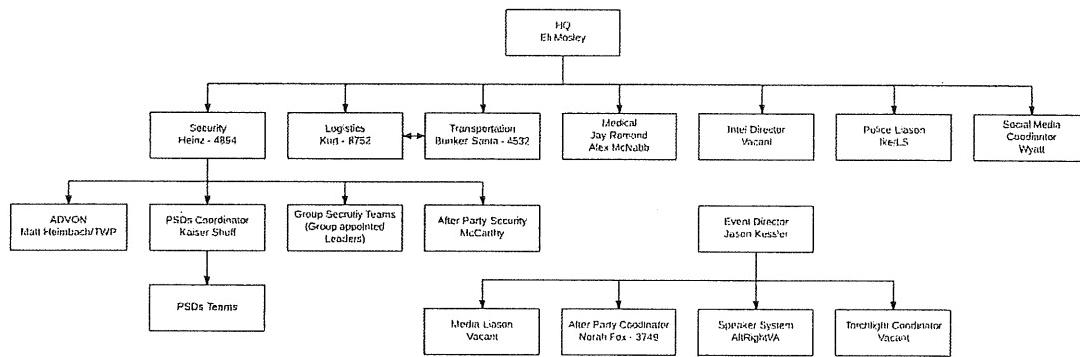
Pepper Spray – Pepper Spray is a hard one to know in VA and we are still waiting for confirmation on the rules for this. Will update next document.

Water Source – EVERYONE must have a water source this day. We cannot stress enough how hot it could be and if we run out of cups for water we don't want to see anyone pass out.

## Operation Unite the Right Charlottesville 2.0

**IMPORTANT:** This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

### Roles and Directors:



The above chart shows the current breakdown of chain of command for the day of the event. Eli Mosley will be between the HQ and on the ground while communicating between the various directors and leadership. Any role listed as Vacant must still be filled and you should reach out to Eli Mosley before August 6<sup>th</sup> to be assigned a role.

**Intelligence Director** – This role will manage the various intelligence teams that will need to gather intel leading up to the event, during the event and manage the intel/doxing after the event. This person should not be in attendance to the event and have some experience. They will be forwarding relevant intel into HQ.

**Media Liaison** – This role involves being the main point of contact for the media on the ground for the event. Several media outlets have confirmed that they are coming and this person would help them get in touch with people they'd like to interview and where they should be during the rally.

**Torchlight Coordinator** – This role will plan out the details of Friday night's torchlight march and work with Jason Kessler on making sure we have everything ready for that night.

More roles may be needed as well so stay tuned into the Discord in case you are able to step up into other roles not listed here.

## Operation Unite the Right Charlottesville 2.0

**IMPORTANT: This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.**

The Director role is immediately under HQ/Eli Mosley and Jason Kessler. The following list details their areas of responsibilities for the event (If anything is already being done and left out please inform Eli Mosley):

Security – Coordinate the various security team leaders, PSD teams and event security for the day. Manage the security shifts for both “gates” we’ll be having into the park. Provide the security plan for the scouting/ADVON team, during the rally, and the after party. Work with the Transportation Division on providing security during the rally for the moving vehicles. Brief the security teams on rules of engagement, equipment use, descensions, and the plan for the operation. Work with various security team leaders from groups attending the rally to assign them sections of the defensive perimeter.

Logistics – Work with the various directors on acquiring materials for them to complete their duties. Work with the Transportation Division on getting materials on the ground at the rally. Acquire leftover materials for the medical team.

Transportation – Main task will be helping to coordinate transportation between Trans Rally Points and Main Rally Point during the rally. Will work with the Logistics team to get supplies on the ground of the rally and get them out. Bring in and out the sound system for the rally and the after party. Help pick up and move stragglers if needed from Trans Rally Points.

Medical Team – Will setup a medical tent on the park grounds, provide basic triage that day, keep water supply, medical supplies and ice sheets. Liaison with emergency services on the ground directly.

Intel/Social Media Directors – This role should not be in attendance and will meet with Eli for details.

Police Liaison – Will work with various police departments in sending and receiving messages directly.

## Operation Unite the Right Charlottesville 2.0

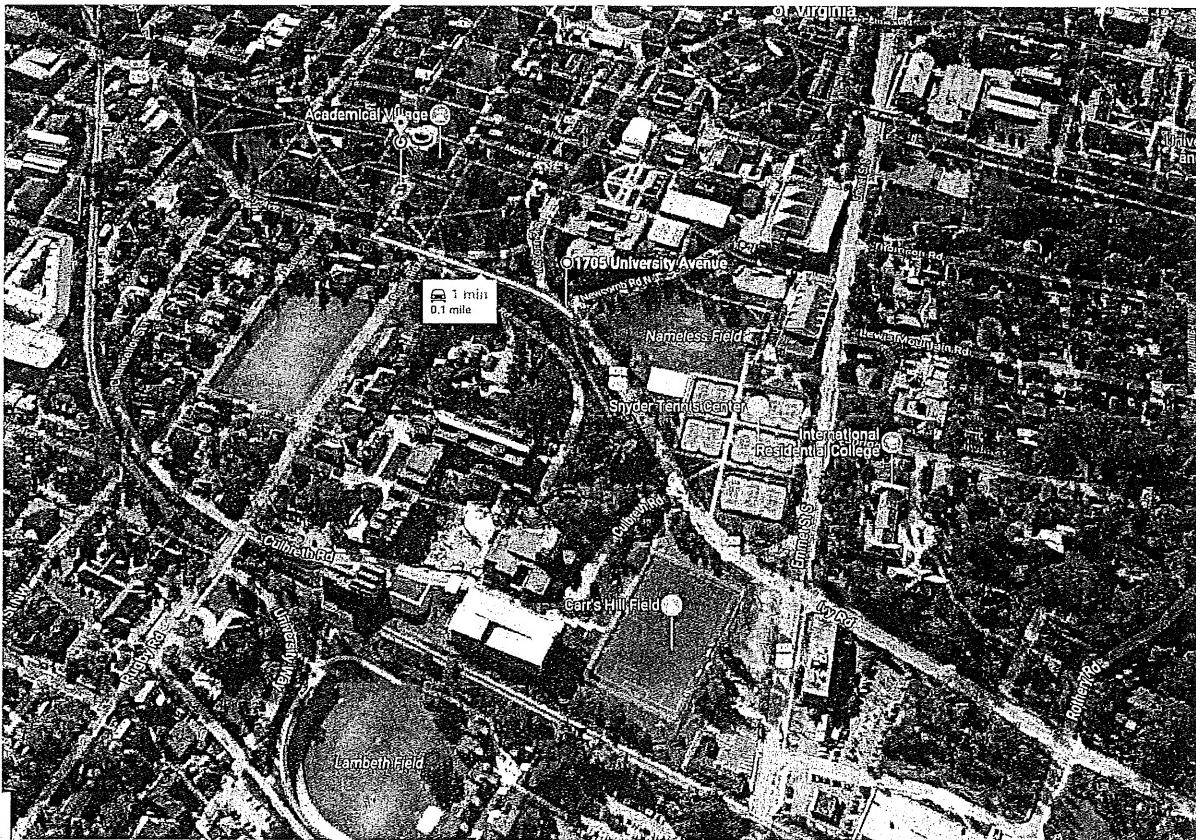
**IMPORTANT: This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.**

### Contact Information:

Leading up to the event I am releasing my direct contact information to leaders and directors. I am in the middle of a move, but feel free to message me directly for anything regarding the event.

Eli Mosley – Discord, Eli Mosley#5269 – Phone Number, 610-406-2229 – Email, [DeplorableTruth@gmail.com](mailto:DeplorableTruth@gmail.com). Feel free to msg/call whenever.

### Torchlight Rally:



The Torchlight Rally will be at the Jefferson Monument near the UVA campus on Friday the 11<sup>th</sup> under cover of darkness. We will meet at 1630 in "Nameless Field" and march with our torches lit along the blue line. Each person should bring their own torch which can be bought from a local Wall-Mart, Lowes, Home Depot, etc.

## **Operation Unite the Right Charlottesville 2.0**

**IMPORTANT:** This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

Once on the grounds of the monument we will sing a song or two, a speech will be given and then we will march the way we came before heading back to our cars.

### **Pre-Rally and Transportation:**

Matthew Heimbach and TWP will handle the scouting of the rally grounds. We should have scouts check the area the night before and the morning of since we have received information that counter protestors perhaps intend to seize the area first.

The details of the transportation plan will be released Thursday before the event. However, the general plan is that we will have Transportation Rally Points scattered throughout the outskirts of the town where people may park. We will then have the Transportation team shuttle people from those points to the main police protected point in the town. Once we have large enough groups massed at the protection point police will escort us directly to the park and rinse and repeat until we get all our people there.

### **During the Rally:**

The police have informed us that they can escort us from a main defensive area to the actual Lee Park grounds like they did for the KKK rally previously. We are still waiting to hear back from the police on which location they would like to protect centrally so that we can escort our people safely to the park. They intend on shutting down many of the streets around the park as well.

## Operation Unite the Right Charlottesville 2.0

**IMPORTANT:** This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

The police will be forming a buffer zone between us and the counter protesters while we form a perimeter to protect the park. While we secure the area with assigned shielded security around the VIPs and the inner circle of the rally. More details on the exact plan and rules of engagement to come out in next report.



### During the Rally (if you cannot go or for Women):

For anyone who cannot attend the rally but will be in Cville we will have two different things for you to do. We'll need volunteers to help man the radios and HQ section. Also, we see a high likelihood of violence during the rally so we recommend not bringing women and are banning all small children. We will have a place set aside for them to help setup the after party and monitor streams that will be released Thursday before the event.

### After-Party for Event:

We are keeping the details of where exactly the after party is secret for now, but we can say that its about 20-30 minutes outside of Cville to prevent any leftist attacks. There will be some food, places too cookout, beer/drinks, live music, and a surprise speaker or two. The information for the after party will be released in more details on Thursday before the rally.

## **Operation Unite the Right Charlottesville 2.0**

**IMPORTANT:** This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

To buy a ticket to the party beforehand is \$12 which is used to provide the food and rental equipment. You may use THIS link to send the money through PayPal. Send a note with your payment letting us know what name or email you want on the guest list. If you do not pay beforehand, tickets will also be available at the door.

### **Conclusion:**

The next order will be released Sunday night the 7<sup>th</sup> and then a follow up on Thursday the 10<sup>th</sup> with more details. We are assuming the Discord is compromised so we will be including a “general public guide” once leaders and directors go over this one with less information. If you have questions or need a correction made please message Eli Mosley. Finally, I realize I’ve been hard to get a hold of lately but I should be easier to get a hold of starting Thursday August 3<sup>rd</sup> once I am finished with my move.

# **EXHIBIT 50**

Exhibit 50 is Plaintiff's written response to Defendants' First Set of Interrogatories and First Set of Document Requests, provided to Defendants on June 20, 2018.

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

JASON KESSLER

CASE NO: 3:18cv00015

Plaintiff

vs.

City of CHARLOTTESVILLE et al.,

Defendants

**DEFENDANT JASON KESSLER'S RESPONSES TO DEFENDANT'S FIRST  
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

---

Now comes defendant Jason Kessler and responds to defendants first set of Interrogatories and Request for Documents as follows:

**I. DISCOVERY REQUESTS**

1. Describe in detail any and all actions you have taken since the 2017 Event to plan, organize, and invite attendees to the Proposed Event; and identify any person, organization, and/or other entity you have communicated with about or invited to the Proposed Event, including, but not limited to: Brian Lambert; Canan MacMay; Cole Harris; Patrick Palmer (also known as "Hagan Frisbadli"); Charles Myers; Kyle Rogers; Marcus Boechat; Brion Keith Baker; Matthew Heimbach; Michael "Enoch" Peinovich; Kyle Sean Chapman; Andrew Anglin; Matthew Parrott; Jeff Schoep; Unity and Security for America and its members individually; the



Fraternal Order of Alt-Knights (also known as the “Proud Boys”) and its members individually; the Rebel Brigade of Knights and its members individually; the Confederate Knights of the Klan and its members individually; Patriot Front and its members individually; Nationalist Front and its members individually; National Socialist Movement and its members individually; League of the South and its members individually; Vanguard America and its members individually; Identity Evropa and its members individually; and the Lightfoot Militia and its members individually.

**ANSWER:** Mr. Kessler does not recall any communication with any of the individuals or groups listed with the exception of Brian Lambert. To the best of Mr. Kessler’s knowledge none of the individuals or groups listed, including Brian Lambert, is planning to attend the upcoming rally. Persons expected to speak at the rally are Patrick Little, Simon Roche, David Duke, Tom Kawczynski, Corey Mahler and Avi Horton.

2. Describe in detail the activities, including but not limited to speeches by confirmed attendees, planned to take place during the Proposed Event, including the date, time, and location of each activity.

**ANSWER:** We intend to gather on August 12<sup>th</sup> around 11am at a rally point to be determined in cooperation with local law enforcement and then march as a group with police to Lee Park for the demonstration to begin at 1pm (or earlier if so granted for set-up time). We intend to speak for about 1.5 to 2 hours. Then we will march back to our cars and leave.

3. Identify any person, organization, and/or other entity that has provided financial support, or that you have asked to provide financial support, for the Proposed Event, and state the amount each has provided or agreed to provide.

**ANSWER:** Objection. Neither relevant nor designed to lead to relevant evidence. Answering over objection and without waiving same, Mr. Kessler solicits donations from the general public and has spent about \$1500 promoting and/or organizing the upcoming rally.

4. Identify any person, organization, and/or other entity that has confirmed that they will attend the Proposed Event.

**ANSWER:** Objection. The question asks, in part, for Mr. Kessler to violate the

**rights of persons wishing to participate anonymously and is therefore improper. Answering over objection and without waiving same, No organizations have confirmed. The speakers listed above have confirmed their intent to attend and speak. Other individuals who have confirmed have done so anonymously as they have a right to do and Mr. Kessler therefore cannot identify them.**

5. Identify any person, organization, and/or other entity that has stated that they might attend the Proposed Event.

**ANSWER: Same objection as above in Answer to #4. Second objection, “might attend” is not defined. Answering over objections and without waiving same, Mr. Kessler does not have knowledge that any person or organization not encompassed by the answer above is planning to attend.**

6. Identify each social networking site on which you have posted, viewed, or received any content regarding the 2017 Event or the Proposed Event, or any of the subject matter of the Complaint.

**ANSWER: Mr. Kessler posts on Facebook, Twitter, VK, Youtube and Gab.**

7. Describe in detail any instructions you have disseminated to any person, organization, or other entity concerning the Proposed Event, including but not limited to what items to bring, whether attendees should carry firearms, either “open carry” or concealed, and how to interact with non-attendees.

**ANSWER: Mr. Kessler's rules for the event are posted at [www.unitetherightrally.com](http://www.unitetherightrally.com). He have mentioned that people have a right to concealed carry although he prefers for general attendees not to and that we should be allowed to work with law enforcement to determine what we can carry to block bricks, pepper spray, or biological agents thrown at us by Antifa or other counterprotestors.**

8. Describe in detail all facts supporting, underlying, or otherwise demonstrating that as of the time of your application for a permit for the Proposed Event 400 persons would attend it.

**ANSWER: The number is derived from Mr. Kessler's best guess based on the relevant community's response to the announcement of the proposed event. The number has been borne out since the date of the application and Mr. Kessler now expects no more than 300 supporters to attend the rally.**

9. Identify each communication you have had with a current or former employee of the City, orally or in writing, regarding the Proposed Event.

**ANSWER: Objection to the qualifier “each communication”. Answering over objection and without waiving same** Mr. Kessler does not recall any other than e-mails sent to City e-mail addresses. Communications, including those advising the City of threats of violence made by opponents of the proposed event, were communicated to either Capt. Mitchell, Brian Wheeler, or Capt. Lewis.

10. Identify each person, or group or organization, who attended the 2017 Event per your formal or informal invitation, or through an informal or formal invitation of another person, organization, and/or other entity affiliated or working with you.

**ANSWER: Objection to the qualifier “each person” etc. Answering over objection and without waiving same, to the best of Mr. Kessler’s knowledge, Parties who attended pursuant to an invitation sent by Mr. Kessler or per his instruction to do so were: League of the South, Identity Europa, Traditionalist Workers Party, National Socialist Movement, Vanguard America, Richard Spencer, Matt Heimbach, Michael Hill, Michael Peinovich, Augustus Invictus, Pax Dickinson.**

11. Identify each communication, whether oral or in writing, that you had with any member of law enforcement in any State or Commonwealth at any time before or during the 2017 Event, beginning on February 6, 2017.

**ANSWER: Objection to the qualifier “each communication”. Answering over objection and without waiving same, Mr. Kessler cannot be certain that he remembers each communication without exception. Mr. Kessler primarily spoke with Captain Wendy Lewis, Captain Victor Mitchell and former Police Chief Al Thomas of the Charlottesville Police Department. Mr. Kessler also notified Lt Tabler of the UVA police department about the August 11<sup>th</sup> 2017 march.**

12. Identify each communication, whether oral or in writing, that you had with any member of law enforcement in any State or Commonwealth at any time after the 2017 Event up to the present, including the substance of the communication and the date on which, and place where, such communication occurred.

**ANSWER: Objection to the qualifier “each communication”. Answering over objection and without waiving same, Mr. Kessler cannot be certain that he remembers each communication without exception. Mr. Kessler recalls speaking with Wendy Lewis and Victor Mitchell regarding coordination with law enforcement as to the proposed event.**

13. Describe the insurance coverage you obtained for the 2017 Event and state whether

any claims were made under the insurance.

**ANSWER:** Mr. Kessler tried to purchase liability coverage through Evanston Insurance but protestors complained and got the coverage cancelled.

14. Identify each electronic device that you used or maintained for communication purposes from February 6, 2017, through the present (including but not limited to computers, mobile devices, and landline telephones), and for each device, identify the service provider, telephone number, computer number, and the ownership and present location of the device, as well as the approximate time period you used the device.

**ANSWER:** Mr. Kessler uses and has used an iPhone on Verizon. The phone number is (434) 996-5567. He also has and has had a PC and laptop on Comcast.

15. Identify all groups, including but not limited to Unity and Security for America, of which you are a member and all the individuals who are members of those groups.

**ANSWER:** Objection. The qualifier “all individuals” is neither relevant nor designed to lead to relevant evidence. Second objection, The question asks, in part, for Mr. Kessler to violate the rights of persons wishing to politically participate anonymously and is therefore improper. Answering over objections and without waiving same Mr. Kessler founded two organizations “Unity and Security for America” and “ New Byzantium”. Both organizations are presently inactive.

## II. DOCUMENT REQUESTS

Response to all RFP's:

**ANSWER:** Mr. Kessler has extensive responsive documents in a "dropbox" account and will provide access to Defendants in the manner they agree upon between attorneys for the parties.

In addition, Mr. Kessler has forwarded several responsive e-mails to his attorneys with the intention that these be forwarded to attorneys for the defense.

Respectfully Submitted and as to Objections:

s/ James E. Kolenich PHV  
James E. Kolenich  
Ohio Bar Number: 0077084  
**Attorney for Jason Kessler**  
Kolenich Law Office  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
(513) 444-2150  
(513) 297-6065 (fax)  
Email: Jek318@gmail.com

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on **June 20, 2018** **via email** upon: Ms. Linda Odom Esq. **Attorney for Defendants** as follows: email: Linda.Odom@klgates.com

s/ James E. Kolenich PHV  
James E. Kolenich

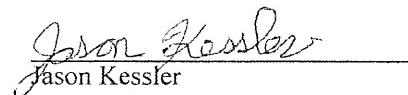
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**VERIFICATION**

---

I have reviewed the attached responses to discovery and verify that they are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 20, 2018.

  
\_\_\_\_\_  
Jason Kessler

# **EXHIBIT 52**

Exhibit 52 is an article by David McNair, published by “The DTM Charlottesville” on November 30, 2016.



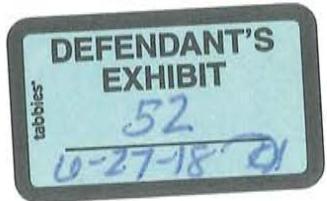
# THE DTM

CHARLOTTESVILLE

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## Local Blogger Uses Florida Woman's Identity to Create Petition to Remove Wes Bellamy From City Council



POSTED NOVEMBER 30, 2016 3 COMMENTS | BY DAVID MCNAIR

Petition

**Charlottesville City Council : Remove Wes Bellamy from the Charlottesville City Council**

Petition By:  
Michelle Jones

427 supporters  
\$23 raised

Want more signatures? Sign up!

Sign

In light of recently revealed racist and neo-Nazi comments by Wes Bellamy, he must step down from his position on the Charlottesville City Council. We will not accept an anti-white racist who looks down on "little white men", who agrees "racist rapists shameless", who "hates black people who are white" and calls women "lying b\*\*ts". He is an unfit representative for our city and the values we uphold. He must step down or be removed immediately.

#Bellamy

Charlottesville City Council  
In light of recently revealed racist and neo-Nazi comments by Wes Bellamy, he must step down from his position on the Charlottesville City Council. We will not accept an anti-white racist who looks down on "little white men", who agrees "racist rapists shameless", who "hates black people who are white" and calls women "lying b\*\*ts". He is an unfit representative for our city and the values we uphold. He must step down or be removed immediately.

Share a link with your followers to this petition

I signed an important petition:  
Remove Wes Bellamy from the Charlottesville City Council  
#Signed

Tweet

Recent Signatures

A petition (<http://www.standunited.org/petition/remove-wes-bellamy-from-the-charlottesville-city-council>) being widely circulated in the local media to remove Vice-Mayor Wes Bellamy from Charlottesville City Council, and which features many comments from citizens; appears to be a fake [note: since the date of this posting the petition has been altered. See developing news below. The screen shot above is off the petition on the date and time of this posting]. The petition says it was created by a Michelle Jones, and includes a picture of Ms. Jones. That photo is from the bio page of a Florida-based company called Altair Training Solutions (<http://www.altairtrainingsolutions.com/altair-team/>), and is of the company's Executive Vice President Michelle Jones.

"I was not aware of it and did not start the petition," Jones tells the DTM. "I know nothing about it. I've obviously been hacked."

StandUnited, the petition platform, has been informed of the identity theft.

Jason Kessler, the blogger who exposed Bellamy's tweets has been promoting the petition on social media.

DEVELOPING NEWS.

...

**1:02pm. Another stolen photo**

(<https://www.facebook.com/charlottesvilleDTM/posts/1287980044609794>) has replaced the one of Ms. Jones on the petition.

**1:31pm: Now the author of the petition has been changed**

(<https://www.facebook.com/charlottesvilleDTM/photos/a.549036018504204.1073741825.290763747664767/128801>?type=3&theater) to none other than...Jason Kessler.

**December 1, 2016: Daily Progress on Jason Kessler's sock puppetry**

(<https://www.facebook.com/charlottesvilleDTM/posts/1289226501151815>) concerning the petition to have Wes Bellamy removed from City Council...



**Jason Kessler**  
@TheMadDimension

Follow

Need signatures to remove anti-white SJW Wes Bellamy from office  
#BootBellamy #CreepyWes



**Remove Wes Bellamy from the Charlottesville City Council**

In+light+of+recently+revealed+racist+and+pro-rape+comments+by+Wes+&#0ABellamy%2C+he+must+step+down+from+his+positi  
[standunited.org](http://standunited.org)

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1



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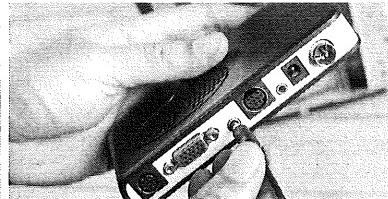
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## David McNair VIEW ALL →

DTM is maintained by Charlottesville journalist David McNair. Need to market or promote an event, service, or product? Got a news item or new listing? Want to advertise on the DTM? Contact Dave at 434-305-9264 or [dsmcnair@gmail.com](mailto:dsmcnair@gmail.com).

...

3 COMMENTS >

...

The Daily Progress reports:

"Earlier in the week, the petition had been listed under Michelle Jones but was later changed.

Over the phone Wednesday, Kessler said there had been some people questioning the validity of his petition and whether the growing number of signatures was legitimate. He said he was "shy" about putting his name out there, but later chose to attach his real name to the petition so that he could "promote it more publicly."

Angela Morabito, senior campaign organizer for StandUnited, said in an email that Kessler initially had decided to use a different identity on the website.

"... I am verifying that Jason Kessler is a real site user and that his petition, and the signatures it has garnered, are legitimate," she said."

[http://www.dailyprogress.com/news/local/bellamy-resigns-from-state-education-board-under-pressure-over-tweets/article\\_40d7a9d2-b744-11e6-9797-b363460e0964.html](http://www.dailyprogress.com/news/local/bellamy-resigns-from-state-education-board-under-pressure-over-tweets/article_40d7a9d2-b744-11e6-9797-b363460e0964.html) ([http://www.dailyprogress.com/news/local/bellamy-resigns-from-state-education-board-under-pressure-over-tweets/article\\_40d7a9d2-b744-11e6-9797-b363460e0964.html](http://www.dailyprogress.com/news/local/bellamy-resigns-from-state-education-board-under-pressure-over-tweets/article_40d7a9d2-b744-11e6-9797-b363460e0964.html))

First of all: Kessler, shy? Seems not the case.

Secondly: is it OK to "use a different identity on the website"?

Thirdly: a check of Twitter reveals that Ms. Morabito is in fact promoting this petition personally:

<https://twitter.com/Bear2theRight/status/803667352403529728>  
(<https://twitter.com/Bear2theRight/status/803667352403529728>)

In addition to Kessler's blog and petition, a number of online strategies targeting Bellamy have emerged, some quite nasty:

— a blog and a Facebook page titled "Arrest Wes Bellamy" have appeared:

<http://restoringthehonor.blogspot.com/2016/11/opinion-why-i-think-wes-bellamy-should.html> (<http://restoringthehonor.blogspot.com/2016/11/opinion-why-i-think-wes-bellamy-should.html>)

— someone representing himself on Twitter as a hacker named GoadZilla has repeatedly targeted Bellamy, to include a claim of illegally removing 11.2 gigs of data from Bellamy's computer: ...



GoadZilla  
@goadzill\_a

11.2 gigs of data remove from @ViceMayorWesB machine... wait

till you see this!

11:55 PM - Nov 27, 2016

See GoadZilla's other Tweets

— a Facebook group titled "Remove Wes Bellamy Council" included Kessler as an admin and Susan Hathaway, leader of the Virginia Flappers as members. Other members, including Teresa Lam and John Heyden, are well known to the Charlottesville community for their vocal organized opposition to City Council's initiative to re-evaluate the place of Confederate monuments in public spaces. These members have contributed a prominent block presence in the online comments of all news stories surrounding the controversy, effectively amplifying the appearance of public outrage. The group's existence was uncovered by this blog:

<http://restoringthehonor.blogspot.com/2016/11/all-points-bulletin-be-on-lookout-for.html> (<http://restoringthehonor.blogspot.com/2016/11/all-points-bulletin-be-on-lookout-for.html>)

— Susan Hathaway's group, The Virginia Flappers, has fed the controversy by driving their Facebook and Twitter following to the various media stories and to Kessler's petition. A review of the comments on the news stories and the petition itself reveals the driving interest in Confederate heritage.

Not to mention this:

<http://restoringthehonor.blogspot.com/2016/08/when-rainbows-attack-who-has-it-in-for.html?q=wes+Bellamy> (<http://restoringthehonor.blogspot.com/2016/08/when-rainbows-attack-who-has-it-in-for.html?q=wes+Bellamy>)

Which happened back in August. This does appear to be a coordinated effort. If you haven't watched Kessler's You Tube video on white identity, I highly recommend it. Kessler discusses "white genocide".

•••

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
for the Western District of Virginia  
Docket No. 3:18-cv-00015

TAISON VENGER

Plaintiff's

vs.

CITY OF CHARLOTTESVILLE and  
MAURICE JONES.

## Defendants.

\* \*

B O U G H T      D R A F T

DEPOSITION of MARCUS BOECHAT

BEFORE: Christine Fraga Thornton, RPR,

15 Notary Public, at the offices of Hale & Hamlin,  
16 Ellsworth, Maine, on Friday, June 29, 2018, beginning  
17 at 9:40 a.m.

#### APPEARANCES:

20 James Kolenich, Esq. For the Plaintiff

21 John Longstreth, Esq. For the Defendant

22            Justin Bennett, Esq., and  
                  Barry Mills, Esq.                      For the Deponent

24 DON THOMPSON & ASSOCIATES, INC.  
25 Court Reporting and Video Conferencing  
207-394-3900 - dtreport@myottmail.com - www.dtamainereporter.com

1 Q. Okay. And do you see reference to "our peoples rising  
2 up in military fashion"?

3 A. Yes.

4 Q. What did you mean by that?

5 MR. BENNETT: Objection. It's  
6 straightforward from the wording on that document: "I  
7 believe our people will rise up in military fashion."

8 MR. LONGSTRETH: Okay. Your objection is  
9 noted. I'd like the witness to answer the question  
10 that was posed to him.

11 A. What is your question?

12 MR. LONGSTRETH: Please read it back. Your  
13 objection will be noted.

14 (The prior and pending questions were read back as  
15 follows:)

16 "Q. And do you see reference to 'our peoples rising up in  
17 military fashion'?"

18 "A. Yes."

19 "Q. What did you mean by that?"

20 A. Has it ever occurred to you that people get frustrated?  
21 That's my answer; people get frustrated.

22 Q. Okay. So that you're saying that frustrated people  
23 will rise up in military fashion?

24 A. No. Come on. I spoke about the ballot box right  
25 before there.

1 Q. Okay.

2 A. Okay?

3 Q. So if they're not successful at the ballot box, they  
4 will rise up in military fashion; is that what you  
5 meant?

6 A. Well, I mean -- I have no idea. That's speculation.

7 Q. Well, you wrote it. Are you saying you're speculating  
8 about the meaning of what you, yourself, wrote?

9 It's okay to just answer the question.

10 A. I think, over the very long term, you could get to that  
11 point. I think the American people are more  
12 intelligent than that and are actually long sufferingly  
13 patient, so --

14 MR. LONGSTRETH: Okay. I have a document I'd  
15 like to mark as Defendant's Exhibit 61.

16 (Defendant's Exhibit No. 61, screenshot of  
17 posting, marked for identification.)

18 BY MR. LONGSTRETH:

19 Q. And again I'd like to ask you, as I did before, what  
20 this document is?

21 A. This is a Jason Kessler post, I think.

22 Q. It is?

23 A. Yeah.

24 Q. And do you see Mr. Kessler as stating?

25 A. The whole threat to white people, blah, blah, blah.

1 Q. Okay. And do you see where he talks about, "Do we have  
2 200 men to stand publicly for our rights?"

3 MR. LONGSTRETH: I'm just going to have the  
4 witness -- I'm just going to have the record note -- we  
5 don't have a video deposition here -- that at a number  
6 of my questions, Mr. Boechat is rolling his eyes,  
7 sighing, lifting his eyes up to the heaven --

8 A. Frustration is frustration. It's that simple.

9 BY MR. LONGSTRETH:

10 Q. So you're frustrated right now, Mr. Boechat?

11 A. No. I was frustrated when I wrote that. It's a  
12 function of frustration when people say things  
13 sometimes --

14 Q. Okay.

15 A. -- not always, but sometimes.

16 Q. Okay. You say you were frustrated when you wrote -- if  
17 you look down, when you wrote what you wrote here?

18 A. Yes. I would say so, yeah.

19 Q. Okay. So that is you, Mr. Boechat, "I'm with you. Let  
20 us collect another 198 men"?

21 A. Yeah. It's foolish and adolescent of me to have  
22 written that, but yes, that's -- I wrote that out of  
23 frustration.

24 Q. Okay. Now you were asked, remember at the beginning of  
25 your deposition, whether you'd searched for all your

1 Q. Right. And this was the one you happened to miss.

2 A. I imagine I've missed others as well, but yeah, I guess  
3 I did.

4 Q. You did miss this one.

5           When you said, "Let us collect one hundred and  
6 nine -- another hundred and nine -- well, let me ask  
7 you this: When you say, "Let us collect another 198  
8 men," collect them for what?

9 A. I guess he's talking about whatever he's planning  
10 there.

11 Q. And what --

12 A. It's pretty over the top, now that I look at it a  
13 second time, what he wrote.

14 Q. Okay. What do you mean by "over the top"?

15 A. Well, I mean, we're nowhere near as a country to be at  
16 a point where people need to get that drastic at all,  
17 and so I should have known better than to think that he  
18 was a person with his head screwed on straight.

19 Q. Okay. When you get to that point at all, you mean you  
20 understood him to be proposing collecting 200 men to  
21 stand up publicly for the kind of military uprising you  
22 were talking about before, when people are frustrated?

23 A. I suppose I was talking -- I supposed that he was  
24 talking about, you know, his marches or whatever it is  
25 that he was doing.

# **EXHIBIT E**

-  **Jason Kessler** · @TheMadDimension · 07:15AM  
Don't pull out from the event. Are you concerned about the exposure or potential violence from Antifa?
-  **Tom Kawczynski** · @TomKawczynski · 08:21AM  
Two things: The downside far outweighs the upside in my estimation. It's the wrong venue - I get why you have to fight your home, but that's like agreeing to let a commie court try you.
-  **Tom Kawczynski** · @TomKawczynski · 08:21AM  
And secondly, we have a situation brewing up here that is far bigger than I realized. I have people wanting to take to the streets now, and if I don't manage this, we could have a major problem up here.
-  **Tom Kawczynski** · @TomKawczynski · 08:22AM  
I'm not worried about antifa. I'm worried about kangaroo courts and you should too.
-  **Jason Kessler** · @TheMadDimension · 09:01AM  
No one is going to jail who hasn't broken the law
-  **Jason Kessler** · @TheMadDimension · 09:02AM  
The point is not to break the law in the first place and therefore put yourself into that situation
-  **Tom Kawczynski** · @TomKawczynski · 09:05AM  
I understand your intent. But nonetheless, all it takes is one provocateur in your ranks, and you'll be in jail for a decade.
-  **Tom Kawczynski** · @TomKawczynski · 09:06AM  
I'm sorry things are this way, but my decision is made. I wish you the best and hope it is a stunning success.